

For nighttime operation, applicants must submit a map or maps having appropriate scales, showing the 1000 mV/m and coverage contours (the proposed 5 mV/m nighttime groundwave contour, or the nighttime interference-free contour, whichever is the greater value) for both existing and proposed facilities. The map showing the nighttime coverage contour must clearly show the legal boundaries of the principal community to be served.

See Sections 73.24(e), 73.33, 73.37, 73.45, 73.150, 73.152, and 73.182(a)-(i).

Item 8: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's AM community coverage requirements. See Section 73.24(i). For all AM stations, the daytime 5 mV/m contour must cover the entire principal community to be served. Additionally, however:

- (1) **For stations in the 535-1605 kHz band**, 80% of the principal community must be encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher, see Section 73.182(k); and
- (2) **For stations in the 1605-1705 kHz band**, 50% of the principal community is encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher, see Section 73.182(k).

Class D stations holding nighttime authorizations do not need to demonstrate nighttime principal community coverage.

Item 9: Main Studio Location. The applicant must certify that its proposed main studio location comply with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of any station licensed to that community; **or** (2) within 25 miles from the reference coordinates of the center of its community of license.

A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995). Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 10: Interference. An applicant for a station on a frequency between 535 kHz and 1605

kHz must certify that it complies with the Commission's AM interference standards. In order to be approved, the applicant must meet all pertinent interference analyses: groundwave, skywave, and critical hours. While not every AM proposal will need to be analyzed under each mode of interference -- a proposal for or to modify daytime operation only will not need a nighttime skywave study -- the applicant must submit an Exhibit providing specific technical data with respect to each applicable section.

Section 73.37 bars the acceptance of an application for AM facilities if the proposed operation would create overlap of certain specified signal-strength groundwave contours; the signal strengths vary with the frequency separation of the station(s) involved. The technical exhibit for this item must contain an allocation study that includes the following information:

- (1) Protected and interfering contours for the proposed facility.
- (2) Protected and interfering contours of all relevant existing stations and proposed facilities to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.37.
- (3) Transmitter locations, call signs, and file numbers of each existing station and proposed facility included in the above-specified contour overlap analysis.
- (4) Properly labelled longitude and latitude markings and a distance scale.

Item 10 also requires that any applicant on a frequency between 1605 KHz and 1705 KHz certify that it complies with the Commission's AM interference standards specified in Section 73.37(f) and the Report and Order in MM Docket No. 87-267, 6 FCC Rcd 6273 (1991).

Section 73.182 contains general allotment standards, including specified signal strength contours which are to be protected from objectionable nighttime skywave signal interference. If a proposal involves nighttime operation, the applicant must submit a technical Exhibit containing an allocation study that includes the following information:

- (1) *Nighttime Channel Study*: (a) the relevant existing and proposed nighttime limitations which contribute to the 50% "root sum square" ("RSS") of the proposed facility, (b) the existing and proposed nighttime limitations which enter into the 25% and 50% RSS nighttime limitation of each existing station and proposed facility. If interference is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.
- (2) *Skywave Study*: The protected groundwave, skywave, and interfering contours

of all relevant existing co- and first-adjacent-channel Class A stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.

(3) *Nighttime Groundwave Study*: The protected and interfering groundwave contours of all relevant existing second- and third-adjacent channel stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.37.

Section 73.187 specifies limitations on critical-hour daytime radiation. "Critical Hours" are the two hours after local sunrise and the two hours before local sunset. Applicants that propose critical-hour operation must submit an Exhibit containing an allocation study that includes the following information:

The 0.1 mV/m groundwave contour in pertinent arcs in the direction of protected co-channel Class A station and appropriate studies to establish compliance with Section 73.187.

F. Section III-B (FM Engineering)

1. **Tech Box**: The applicant must accurately specify the requested facilities in Items 1 through 12 of the Tech Box. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

Item 1: Channel. The proposed channel must be between 200 and 300. See Section 73.201.

Item 2: Class. The proposed class must meet the requirements in Sections 73.210 and 73.211.

Item 3: Antenna Location Coordinates. The proposed antenna site must be specified using North American Datum 27 (NAD 27) coordinates. Please indicate North or South Latitude, and East or West Longitude.

Item 4: One-Step Proposal Allotment Coordinates. If proposing a one-step facility modification, the proposed allotment site must be specified using NAD27 coordinates. One-step allotment sites must comply with the requirements in Section 73.203(b) (allotment site must be fully spaced under Section 73.207, and allotment must provide 70 dBu coverage to 100% of the community of license pursuant to Section 73.315). If the application is not for a one-step facility modification, the applicant should check "Not Applicable."

Item 5: Antenna Structure Registration Number. The Antenna Structure Registration number should be entered here. Most towers greater than 61 meters (200 feet) in height, or those located near airports require antenna registration numbers. See Section 17.4. If the tower does not require registration, please indicate that registration is Not Applicable, or if the FAA has not yet ruled on a proposed structure, please indicate whether the FAA Notification has been filed with the FAA.

Items 6-9: Elevation and Heights. All heights must be in meters, rounded to the nearest whole number.

Items 10-11: Effective Radiated Power. The effective radiated power must be entered in kilowatts, and rounded pursuant to Section 73.212. Applicants proposing a beam-tilt antenna must complete Item 11.

Item 12: Directional Antenna. If a directional antenna is proposed, the directional antenna must comply with Section 73.316. Applicants need not submit the exact antenna manufacturer, make, model, and size along with FCC Form 301. Applicants proposing a directional antenna must complete the table in Item 12. Relative field values (0.001-1.000) must be entered for every 10 degrees on the unit circle. Up to five azimuths may be added at the bottom of the table for additional accuracy. If the "No Rotation" box is checked, the antenna pattern will be entered with 0 Degrees oriented towards True North in the Commission's database. However, if the "Rotation" question is completed the antenna pattern will be rotated clockwise by the number of whole degrees indicated in the "Rotation" box. For example, if the maximum relative field value from the table is 0 Degrees, and the Rotation is 135 Degrees, the maximum lobe of the antenna will be oriented at 135 Degrees in the Commission's database.

2. Certifications. Items 13-17 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for FM stations.

Item 13: Allotment. The applicant must certify that it complies with the Commission's allotment requirements for FM stations, Section 73.203. In order to answer "Yes" to this question, the applicant must propose an allotment listed in the FM Table of Allotments. See Section 73.202. If the allotment is not listed in the Table, the applicant certifies that the proposed facility complies with the "one-step" allotment requirements set forth in Section 73.203(b). See Report and Order in MM Docket No. 92-159, 8 FCC Rcd 4735 (1993). Applicants proposing a co-channel downgrade, pursuant to MM Docket 88-118, are not required to specify a fully-spaced allotment site.

Item 14: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. See Section 73.315. In order to answer "Yes" to this question, the proposed 3.16 mV/m contour must cover the entire principal community to be served, using the standard prediction method from Section 73.313. If compliance with Section 73.315 is based on alternative prediction methods, exhibits must be submitted demonstrating compliance with all appropriate rule sections.

Item 15: Main Studio Location. The applicant must certify that its proposed main studio location complies with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of any station licensed to that community; **or** (2) less than 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995). Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 16: Interference. The applicant must certify that the proposal complies with the Commission's spacing, contour overlap, and interference protection provisions. In order to answer "Yes" to this question, the applicant must submit exhibits as noted. All exhibits must contain sufficient information to demonstrate that the proposed facility complies with the applicable rule sections.

If the proposed facility will be fully-spaced under Section 73.207, the applicant need mark only the box in item 16a.

If the subject application proposes to modify a licensed station that is currently short-spaced, the applicant must mark the applicable boxes 16b.-16d. and submit appropriate exhibits.

If the station is "grandfathered" due to its authorization prior to the adoption of the FM Table of Allotments in 1964, the applicant should (1) mark box 16b., (2) list the stations to which its licensed facility is currently short-spaced, and (3) supply an exhibit demonstrating that the proposal complies with Section 73.213(a)

If the station is short-spaced by virtue of a spacing-waiver grant or a rule change after 1964, the applicant should (1) mark box 16c. or 16d. as appropriate, (2) list all stations to which the licensed facility is short-spaced under these rules, and (3) supply the exhibit(s) demonstrating that the proposal complies with Section 73.213(b) and/or (c).

If the applicant is proposing a spacing less than that specified in Section 73.207 but wishes to be processed under the contour protection standards of Section

73.215, the applicant should (1) mark box 16e., (2) list all stations for which it proposes to employ contour protection, and (3) supply the exhibit(s) demonstrating that the proposal complies with Section 73.215.

G. SECTION III-C (TV Engineering)

1. **Tech Box.** The applicant must ensure that the facility specifications listed in items 1-11 of the Tech Box are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

Item 11e.: Directional Antenna. If a directional antenna is proposed, the directional antenna must comply with 47 C.F.R. Sections 73.682(a)(14) and 73.685, and the applicant must submit an exhibit demonstrating such compliance. See Section 73.685.

2. **Certifications.** Items 12-18 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for TV stations. The applicant must certify that the proposed facility complies with the Commission's allotment requirements for TV stations, Section 73.607.

Item 12: Allotment. The applicant must certify with the allotment requirements contained in 47 C.F.R. Section 73.607, i.e., that the application specify a channel and community in accordance with the Commission's Table of Television Allotments, 47 C.F.R. Section 73.606.

Item 13: Power and Antenna Height. The applicant must certify that it complies with the maximum and minimum power and antenna height requirements specified in 47 C.F.R. Section 73.614.

Item 14: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. The principal community contour is as follows for television stations:

Channels 2-6	Channels 7-13	Channels 14-69
74 dBμ	77 dBμ	80 dBμ

To determine if the proposed facility complies with the requirements of Section 73.685(a) and (b), the predicted distance to the pertinent signal-strength contour must be calculated using the standard methodology in 47 C.F.R. Section 73.684.

Item 15: Main Studio Location. The applicant must certify that its proposed main studio location comply with the requirements of 47 C.F.R. Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal

community contour of any station licensed to that community; or (2) within 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995). Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 16: Separation Requirements: The applicant must certify that the proposed facility complies with the minimum distance separation between television stations set forth in 47 C.F.R. Section 73.610.

H. SECTION III-D (DTV Engineering)

1. **Certifications Checklist.** Items 1-5 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for DTV stations.

Item 1. The applicant must certify compliance with the digital television channel allotment and operational requirements contained in 47 C.F.R. Section 73.622. Specifically, this question requires that the applicant certify that (a) the application specifies a channel and community in accordance with the Commission's Table of Television Allotments, 47 C.F.R. Section 73.622(a), (b) it will operate with a transmitting antenna located within 5 kilometers of the DTV reference coordinates for the station, as referenced in Section 73.622(d) and set forth in the Sixth Report and Order in MM Docket No. 87-268, Fcc 97-115, 62 Fed. Reg. 26,684 (May 14, 1997), (c) it will operate with facilities that do not exceed the power and antenna height maxima specified in Section 73.622(f).

If any of items 1(a)-1(c) are answered "No," the applicant must demonstrate in response to Section III-D, Item 12 that the proposal will not cause or increase interference to any other DTV broadcast station, DTV allotment, or analog TV broadcast station. Interference is to be predicted in accordance with the procedure set forth in Appendix B of the Sixth Report and Order in M Docket No. 87-268. See 47 C.F.R. Section 73.623.

Item 3: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. The principal community contour is as follows for digital television stations:

Channels 2-6	Channels 7-13	Channels 14-69
28 dBμ	36 dBμ	41 dBμ

To determine if the proposed facility complies with the requirements of Section 73.625(a) and (b), the predicted distance to the pertinent signal-strength contour must be calculated using the standard methodology in 47 C.F.R. Section 73.625(b).

2. **Tech Box.** The applicant must ensure that the facility specifications listed in items 1-11 of the Tech Box are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the

personal information we request in this form. We will use the information provided in the application to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC or (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 50 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0837), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0837.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FOR
FCC
USE
ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1. Legal Name of the Applicant			
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)	
Taxpayer Identification Number	Call Sign	Facility Identifier	

2. Contact Representative (if other than applicant)		Firm or Company Name	
Telephone Number (include area code)		E-Mail Address (if available)	

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

☐ Governmental Entity ☐ Other _____

4. Application Purpose.

<input type="checkbox"/> New station	<input type="checkbox"/> Major Modification of construction permit
<input type="checkbox"/> Major Change in licensed facility	<input type="checkbox"/> Minor Modification of construction permit
<input type="checkbox"/> Minor Change in licensed facility	<input type="checkbox"/> Major Amendment to pending application
	<input type="checkbox"/> Minor Amendment to pending application

a. File number of original construction permit: _____ ☐ N/A

b. Service Type: ☐ AM ☐ FM ☐ TV

c. Channel No. or Frequency: _____

d. Community of License:

City	State
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e. Facility Type: ☐ Main ☐ Auxiliary

If application is for minor change, minor modification, or minor amendment, applicant need fill out only Questions 1, 11 and the signature block in Section II.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No

2. **Parties to the Application and Non-Party Equity Owners.**

- a. List the applicant, parties to the application and non-party equity owners. If other than natural persons, list officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members.

- | | |
|--|---|
| <p>(1) Name and address of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.</p> | <p>(2) Citizenship.
(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.
(4) Percentage of votes.
(5) Percentage of equity.</p> |
|--|---|

(1)	(2)	(3)	(4)	(5)

- b. Applicant certifies that equity interests not set forth above are non-attributable.

☐ Yes ☐ No See Explanation in Exhibit No.

☐ N/A Exhibit No. ☐ N/A

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.

4. **Multiple Ownership.**

- a. Applicant certifies that the proposed facility:

☐ Yes ☐ No See Explanation in Exhibit No.

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Section II - Legal

- b. **Radio Applicants Only.** If the grant of the application would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission. ☐ Yes ☐ No ☐ N/A See Explanation in Exhibit No.
5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: ☐ Yes ☐ No See Explanation in Exhibit No.
- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.
6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. ☐ Yes ☐ No See Explanation in Exhibit No.
7. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. ☐ Yes ☐ No See Explanation in Exhibit No.
8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area. ☐ Yes ☐ No
9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No
10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. ☐ Yes ☐ No ☐ N/A
- Exhibit No.
- An exhibit is required unless this question is inapplicable.**
11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001),
AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)),
AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name		Relationship to Applicant (e.g., Consulting Engineer)	
Signature		Date	
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001),
AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)),
AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III-A AM Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Frequency: _____ kHz
2. Class: ☐ A ☐ B ☐ C ☐ D
3. Hours of Operation: ☐ Unlimited ☐ Limited ☐ Daytime ☐ Share Time ☐ Specified Hours: _____
4. Daytime Operation: ☐ Yes ☐ No
- a. Power: _____ kW
- b. Antenna Location Coordinates: (NAD 27)
- _____ ° _____ ' _____ " ☐ N ☐ S Latitude
_____ ° _____ ' _____ " ☐ E ☐ W Longitude
- c. Nondirectional: ☐ Yes ☐ No
- If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.
- Exhibit No.

Theoretical RMS: _____ mV/m at 1 km

Tower	
Overall height above ground (include obstruction lighting)	
Antenna structure registration	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height	
A	
B	
C	
D	

TECH BOX - DAYTIME OPERATION

d. Directional:

☐ Yes ☐ No

Exhibit No.

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Theoretical RMS: _____ mV/m at 1 km

Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting)				
Antenna structure registration	<div style="border-bottom: 1px solid black; width: 100px; margin-bottom: 5px;"></div> <input type="checkbox"/> Number Notification filed with FAA. <input type="checkbox"/> Not applicable	<div style="border-bottom: 1px solid black; width: 100px; margin-bottom: 5px;"></div> <input type="checkbox"/> Number Notification filed with FAA. <input type="checkbox"/> Not applicable	<div style="border-bottom: 1px solid black; width: 100px; margin-bottom: 5px;"></div> <input type="checkbox"/> Number Notification filed with FAA. <input type="checkbox"/> Not applicable	<div style="border-bottom: 1px solid black; width: 100px; margin-bottom: 5px;"></div> <input type="checkbox"/> Number Notification filed with FAA. <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded				
Electrical height of radiator (degrees)				
Field ratio				
Phase				
Spacing				
Tower orientation				
Tower reference switch				
Top-Loaded/Sectionalized apparent height				
A				
B				
C				
D				

Augmented:

☐ Yes ☐ No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km

Azimuth	Span	Augmentation radiation

TECH BOX - NIGHTTIME OPERATION

5. Nighttime Operation:

☐ Yes ☐ No

a. Power: _____ kW

b. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " ☐ N ☐ S Latitude
 _____ ° _____ ' _____ " ☐ E ☐ W Longitude

c. Nondirectional:

☐ Yes ☐ No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical RMS: _____ mV/m at 1 km

Tower	
Overall height above ground (include obstruction lighting)	
Antenna structure registration	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height	
A	
B	
C	
D	

TECH BOX - NIGHTTIME OPERATION

d. Directional:

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

☐ Yes ☐ No

Exhibit No.

Theoretical RMS: _____ mV/m at 1 km

Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting)				
Antenna structure registration	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div style="text-align: center;">Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded				
Electrical height of radiator (degrees)				
Field ratio				
Phase				
Spacing				
Tower orientation				
Tower reference switch				
Top-Loaded/Sectionalized apparent height				
A				
B				
C				
D				

Augmented:

☐ Yes ☐ No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km

Azimuth

Span

Augmentation radiation

TECH BOX - CRITICAL HOURS OPERATION

6. Critical Hours Operation:

☐ Yes ☐ No

a. Power: _____ kW

b. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " ☐ N ☐ S Latitude
 _____ ° _____ ' _____ " ☐ E ☐ W Longitude

c. Nondirectional:

☐ Yes ☐ No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical RMS: _____ mV/m at 1 km

Tower	
Overall height above ground (include obstruction lighting)	
Antenna structure registration	<div style="text-align: center;">_____ Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height	
A	
B	
C	
D	

TECH BOX - CRITICAL HOURS OPERATION

d. Directional:

☐ Yes ☐ No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical RMS: _____ mV/m at 1 km

Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting)				
Antenna structure registration	<div>Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div>Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div>Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	<div>Number</div> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded				
Electrical height of radiator (degrees)				
Field ratio				
Phase				
Spacing				
Tower orientation				
Tower reference switch				
Top-Loaded/Sectionalized apparent height				
A				
B				
C				
D				

Augmented:

☐ Yes ☐ No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km

Azimuth

Span

Augmentation radiation

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

7. **Broadcast Facility.** The proposed facility complies with the engineering standards and assignment requirements of 47 C.F.R. Sections 73.24(e), 73.24(g), 73.33, 73.45, 73.150, 73.152, 73.160, 73.182(a)-(i), 73.186, 73.189, 73.1650. **Exhibit Required.** ☐ Yes ☐ No

Exhibit No.

See Explanation in Exhibit No.
8. **Community Coverage.** The proposed facility complies with community coverage requirements of 47 C.F.R. Section 73.24(i). ☐ Yes ☐ No

Exhibit No.

See Explanation in Exhibit No.
9. **Main Studio Location.** The proposed main studio location complies with requirements of 47 C.F.R. Section 73.1125. ☐ Yes ☐ No

Exhibit No.

See Explanation in Exhibit No.
10. **Interference.** The proposed facility complies with all of the following applicable rule sections. Check all those that apply. An exhibit is required for each applicable section. ☐ Yes ☐ No

Exhibit No.

See Explanation in Exhibit No.
- Groundwave.**
- a. ☐ 47 C.F.R. Section 73.37

Exhibit No.
- Skywave.**
- b. ☐ 47 C.F.R. Section 73.182.

Exhibit No.
- Critical Hours.**
- c. ☐ 47 C.F.R. Section 73.187.

Exhibit No.
11. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.** ☐ Yes ☐ No

Exhibit No.

See Explanation in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

SECTION III-B FM Engineering**TECHNICAL SPECIFICATIONS**

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel: _____
2. Class: ☐ A ☐ B1 ☐ B ☐ C3 ☐ C2 ☐ C1 ☐ C ☐ D
3. Antenna Location Coordinates: (NAD 27)
- _____° _____' _____" ☐ N ☐ S Latitude
_____° _____' _____" ☐ E ☐ W Longitude
4. One-Step Proposal Allotment Coordinates: (NAD 27) ☐ Not applicable
- _____° _____' _____" ☐ N ☐ S Latitude
_____° _____' _____" ☐ E ☐ W Longitude
5. Antenna Structure Registration Number: _____
- ☐ Not applicable ☐ FAA Notification Filed with FAA
6. Antenna Location Site Elevation Above Mean Sea Level: _____ meters
7. Overall Tower Height Above Ground Level: _____ meters
8. Height of Radiation Center Above Ground Level: _____ meters (H) _____ meters (V)
9. Height of Radiation Center Above Average Terrain: _____ meters (H) _____ meters (V)
10. Effective Radiated Power: _____ kW (H) _____ kW (V)
11. Maximum Effective Radiated Power: ☐ Not applicable _____ kW (H) _____ kW (V)
(Beam-Tilt Antenna ONLY)
12. Directional Antenna Relative Field Values: ☐ Not applicable (Nondirectional)
- Rotation: _____° ☐ No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

**AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-16.
PROCEED TO ITEM 17.**

13. **Allotment.** The proposed facility complies with the allotment requirements of 47 C.F.R. Section 73.203. ☐ Yes ☐ No

See Explanation
in Exhibit No.

14. **Community Coverage.** The proposed facility complies with 47 C.F.R. Section 73.315. ☐ Yes ☐ No

See Explanation
in Exhibit No.

15. **Main Studio Location.** The proposed main studio location complies with 47 C.F.R. Section 73.1125. ☐ Yes ☐ No

See Explanation
in Exhibit No.

16. **Interference.** The proposed facility complies with all of the following applicable rule sections. Check all those that apply. ☐ Yes ☐ No

See Explanation
in Exhibit No.

Separation Requirements.

a. ☐ 47 C.F.R. Section 73.207.

Grandfathered Short-Spaced.

b. ☐ 47 C.F.R. Section 73.213(a) with respect to station(s): _____
Exhibit Required.

Exhibit No.

c. ☐ 47 C.F.R. Section 73.213(b) with respect to station(s): _____
Exhibit Required.

Exhibit No.

d. ☐ 47 C.F.R. Section 73.213(c) with respect to station(s): _____
Exhibit Required.

Exhibit No.

Contour Protection.

e. ☐ 47 C.F.R. Section 73.215 with respect to station(s): _____
Exhibit Required.

Exhibit No.

17. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required. ☐ Yes ☐ No

See Explanation
in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

SECTION III-C TV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: _____

2. Offset: Plus _____ Minus _____ Zero _____

3. Zone: ☐ I ☐ II ☐ III

4. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " ☐ N ☐ S Latitude
_____ ° _____ ' _____ " ☐ E ☐ W Longitude

5. Antenna Structure Registration Number: _____

☐ Not applicable ☐ FAA Notification Filed with FAA

6. Height of Radiation Center Above Mean Sea Level: _____ meters

7. Overall Tower Height Above Ground Level: _____ meters

8. Height of Radiation Center Above Ground Level: _____ meters

9. Height of Radiation Center Above Average Terrain: _____ meters

10. Maximum Effective Radiated Power (ERP): _____ kW

11. Antenna Specifications:

a.

Manufacturer	Model
--------------	-------

b. Electrical Beam Tilt: _____ degrees ☐ Not Applicable

c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True ☐ Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685.

Exhibit No.

d. Polarization: ☐ Horizontal ☐ Circular ☐ Elliptical

TECH BOX

e. Directional Antenna Relative Field Values: ☐ Not applicable (Nondirectional)

Rotation: _____ ° ☐ No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

12. **Allotment.** The proposed facility complies with 47 C.F.R. Section 73.607.

☐ Yes ☐ No

See Explanation
in Exhibit No.

13. **Power and Antenna Height.** The proposed facility complies with 47 C.F.R. Section 73.614.

☐ Yes ☐ No

See Explanation
in Exhibit No.

14. **Community Coverage.** The proposed facility complies with 47 C.F.R. Sections 73.685(a) and (b).

☐ Yes ☐ No

See Explanation
in Exhibit No.

15. **Main Studio Location.** The proposed main studio location complies with 47 C.F.R. Section 73.1125.

☐ Yes ☐ No

See Explanation
in Exhibit No.

16. **Separation Requirements.** The proposed facility complies with the separation requirements 47 C.F.R. Section 73.610.

☐ Yes ☐ No

See Explanation
in Exhibit No.

17. **Objectionable Interference.** The applicant accepts full responsibility in accordance with 47 C.F.R. Sections 73.685(d) and (g) for the elimination of any objectionable interference (including that caused by intermodulation) to facilities in existence or authorized prior to the grant of this application.

☐ Yes ☐ No

See Explanation
in Exhibit No.

18. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.**

☐ Yes ☐ No

See Explanation
in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

SECTION III-D - DTV Engineering

Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-14.

Certification Checklist: A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:

- (a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622. ☐ Yes ☐ No
- (b) It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622. ☐ Yes ☐ No
- (c) It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622. ☐ Yes ☐ No

2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. ☐ Yes ☐ No

3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community. ☐ Yes ☐ No

4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable. ☐ Yes ☐ No

5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. ☐ Yes ☐ No

SECTION III-D DTV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel Number:	DTV _____	Analog TV, if any _____		
2.	Zone:	<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III			
3.	Antenna Location Coordinates: (NAD 27)				
		<div style="display: flex; justify-content: space-between;"><div>____° ____' ____" <input type="checkbox"/> N <input type="checkbox"/> S Latitude</div><div>____° ____' ____" <input type="checkbox"/> E <input type="checkbox"/> W Longitude</div></div>			
4.	Antenna Structure Registration Number: _____				
	<input type="checkbox"/> Not applicable	<input type="checkbox"/> FAA Notification Filed with FAA			
5.	Height of Radiation Center Above Mean Sea Level:	_____ meters			
6.	Overall Tower Height Above Ground Level:	_____ meters			
7.	Height of Radiation Center Above Ground Level:	_____ meters			
8.	Height of Radiation Center Above Average Terrain:	_____ meters			
9.	Maximum Effective Radiated Power (average power):	_____ kW			
10.	Antenna Specifications:				
a.	<table border="1" style="width: 100%;"><tr><td style="width: 50%;">Manufacturer</td><td style="width: 50%;">Model</td></tr></table>			Manufacturer	Model
Manufacturer	Model				
b.	Electrical Beam Tilt: _____ degrees	<input type="checkbox"/> Not Applicable			
c.	Mechanical Beam Tilt: _____ degrees toward azimuth	_____ degrees True	<input type="checkbox"/> Not Applicable		
	Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).		<div style="border: 1px solid black; padding: 2px; width: fit-content;">Exhibit No. _____</div>		
d.	Polarization:	<input type="checkbox"/> Horizontal <input type="checkbox"/> Circular <input type="checkbox"/> Elliptical			

TECH BOX

e. Directional Antenna Relative Field Values: ☐ Not applicable (Nondirectional)

Rotation: _____ ° ☐ No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No.

12. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** items 1(a), (b), or (c) are answered "No.")

☐ Yes ☐ No

If No, attach as an Exhibit justification therefore, including a summary of any related previously granted waivers.

Exhibit No.

13. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefore. (Applicable only if **Certification Checklist** item 3 is answered "No.")

Exhibit No.

14. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.**

☐ Yes ☐ No

See Explanation in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

**APPLICATION FOR CONSENT TO
ASSIGNMENT OF BROADCAST STATION
CONSTRUCTION PERMIT OR LICENSE**

GENERAL INSTRUCTIONS

A. This FCC Form is to be used to apply for authority to assign a broadcast station construction permit or license. It consists of the following sections:

- I. General Information (assignor, assignee, and contact representatives, if any)
- II. Assignor
- III. Assignee

The assignor must complete Items 1, 2, and 6 of Section I and all of Section II; the assignee must complete Items 3-5 of Section I and all of Section III.

B. This application form makes many references to FCC rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 73 "Radio Broadcast Services"
- (4) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

C. Applicants that prepare this application in paper form should file an original and two copies of this application and all exhibits. Applicants should follow the procedures set forth in Part 0 and Part 73 of the Commission's Rules.

D. Public Notice Requirements:

- (1) 47 C.F.R. Section 73.3580 requires that applicants for consent to assignment of a construction permit or license for an AM, FM, or TV broadcast station give local notice in a newspaper of general circulation in the community to which the station is licensed. Local notice is also required to be broadcast over the station, if operating. However, if the station is the only operating station in its broadcast service licensed

to the community involved, publication of the notice in a newspaper is not required. (Noncommercial educational FM stations are classified as a "different service" from commercial FM stations for purposes of this policy.) The publication requirement also applies with respect to major amendments to applications as defined in 47 C.F.R. Section 73.3578(b).

- (2) Completion of publication may occur within 30 days before or after the tender of the application to the Commission. Compliance or intent to comply with the public notice requirements must be certified by the Assignor in Item 7 of Section II of this application. The required content of the local notice is described in Paragraph (f) of 47 C.F.R. Section 73.3580. Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.
- (3) Local notice in a newspaper of general circulation in the community or area to be served is also required for assignments of license that involve FM and TV booster authorizations. Compliance or intent to comply with the public notice requirements must be certified by the Assignor in Item 7 of Section II of this application. The required content of the local notice is described in Paragraph (g) of 47 C.F.R. Section 73.3580. Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.

E. A copy of the completed application and all related documents shall be made available for inspection by the public in the Assignor's public inspection file pursuant to 47 C.F.R. Section 73.3526 for commercial stations and Section 73.3527 for noncommercial educational stations.

F. Applicants should provide all information called for by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are subject to dismissal. See, e.g., 47 C.F.R. Section 73.3564(b).

G. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.

H. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions and worksheets provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria which the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Section II, Item 1 and Section III, Item 1 of FCC Form 314.

I. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.

J. **Both parties to the transaction must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; if an unincorporated association, by a member who is an officer; for a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. See 47 C.F.R. Section 73.3513.

K. The Commission has suspended the requirement to file a Broadcast Equal Employment Opportunity Model Program (Form 396-A) as part of this application. However, a Notice of Proposed Rule making is currently outstanding regarding the obligation of stations to make reasonable good-faith efforts to seek out qualified applicants regardless of race or gender for vacancies. This proceeding may result in new or modified equal employment opportunity policies.

INSTRUCTIONS FOR SECTION I -- GENERAL INFORMATION

A. **Items 1-4:Names/Addresses.** In Section I, applicants should use only those state abbreviations approved by the U.S. Postal Service.

The name of the assignor must be stated in Item 1 exactly as it appears in the authorization to be assigned.

The exact and complete name of the assignee must be stated in Item 3: if the assignee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

If the assignor and/or assignee is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified in Items 2 (for assignor) and 4 (for assignee).

B. Item 5: Fees. The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking to assign licenses or permits of AM, FM, or TV broadcast stations are required to submit a fee with the filing of FCC Form 314. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, **provided** that the station(s) being acquired will continue to operate noncommercially. See 47 C.F.R. Section 1.1114.

When filing a fee-exempt application, an applicant must complete Item 5 and provide an explanation as appropriate. Applications **NOT** subject to a fee may be hand-delivered or mailed to the FCC at its Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Fee-exempt applications should not be sent to the Mellon Bank Lockbox; so doing will result in a delay in processing the application.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of electronic filing procedures, all FCC Form 314 applications requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the fees required for the assignment of various types of broadcast station construction permits and licenses and the addresses to which FCC Form 314 should be mailed or otherwise delivered are also set forth in the "Mass Media Services Fee Filing Guide." This document can be obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling 1-800-418-FORM. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

A separate fee payment must be submitted for each FCC Form 314 filed. Where multiple stations are being assigned on one FCC 314, a single payment covering the total required fee, calculated according to the number of AM, FM, or TV station permits or licenses covered by that FCC Form 314, must be made.

Payment of any required fee must be made by check, bank draft, money order, or credit card. If paying by check, bank draft, or money order, the remittance must be denominated in U.S. dollars, drawn upon a U.S. institution, and made payable to the "Federal Communications Commission." No postdated, altered, or third-party checks will be accepted. **DO NOT SEND CASH.** Additionally, checks dated six months or older will not be accepted.

FCC Form 159, dated July 1997, must be submitted with any application subject to a fee received at the Commission. All previous editions of this form are obsolete. The correct FCC Form contains new requirements that must be completed. Failure to use this version of the form or to submit all requested information may delay the processing of the

application.

Applicants who wish to pay for **more than one application in the same lockbox with a single payment** may also submit a single FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, applicants must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, applicants should use FCC Form 159C (Continuation Sheet).

Payment of application fees may also be made by Electronic Payment prior to the institution of electronic filing procedures, provided that prior approval has been obtained from the Commission. Licensees/Permittees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 314 may receive a dated receipt copy by presenting a complete copy of the filing to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding fees and payment procedures, applicants should consult the "Mass Media Services Fee Filing Guide."

C. Item 6: Auction Authorization. Under the Commission's competitive bidding licensing procedures, applicants seeking to assign or transfer control of a broadcast construction permit or license within three years of receipt of the original construction permit by means of competitive bidding must inform the Commission that the permit or license was obtained through competitive bidding. See 47 C.F.R. Section 1.2111(a). Item 6 requires the applicant to identify those authorizations that were obtained through competitive bidding, and for which FCC consent to assignment is sought in this application.

The Commission's auction rules also require an applicant seeking approval of an assignment of a license or construction permit within three years of receipt of such authorization by means of competitive bidding to file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the consideration that the applicant will receive in return for the assignment of its license or permit. See 47 C.F.R. Sections 1.2111(a), 73.5009(a). **If applicable, this information should be submitted as an exhibit to Item 6.**

INSTRUCTIONS FOR SECTION II -- ASSIGNOR

A. Item 1: Certification. Each applicant is responsible for the information that the application instructions and worksheets convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each question response

is based on the applicant's review is required.

B. Item 2: Authorizations to be Assigned. Unless specifically enumerated as excluded authorizations, the licenses for all subsidiary communications services (SCAs), FM and TV booster stations, and all auxiliary service stations authorized under Subparts D, E, F, and H of 47 C.F.R. Part 74 will be included in the assignment of the license or permit of the primary station(s). Applicants should list the call signs, locations, and other facility identifying information of all authorizations to be assigned (including booster and auxiliary service stations) in a separate exhibit under Item 2.

NOTE: Applications for the assignment of a permit or license for a TV or FM translator station or a low power television station must be filed on **FCC Form 345**. The submission of a separate filing fee with the filing of FCC Form 345 may also be required.

C. Item 3: Agreements for Sale of Station. All applicants must submit to the Commission with this application and place in the public inspection file of each subject station a complete and final copy of the unredacted contract for the sale of the authorizations that are the subject of this application, including all exhibits and attachments. The application and contracts must be retained in the public inspection file until **final** action is taken on this application. See 47 C.F.R. Sections 73.3526(e)(2) (for commercial stations) and 73.3527(e)(2) (for noncommercial educational stations). Applicants must certify their compliance with these requirements in Items 3a. and 3b.

Item 3c. asks applicants to certify that the agreements for assignment of the subject authorizations "comply fully with the Commission's rules and policies." In order to complete this certification, applicants must consider a broad range of issues. Worksheet #2 provides guidance on key compliance issues to facilitate applicants' review of their proposed transactions, and to help applicants identify issues where additional explanatory exhibits may be required or helpful. If the sale agreements also include a time brokerage agreement or local marketing agreement pursuant to which the assignee will supply programming to the station prior to FCC approval, then applicants must review Worksheet # 3E, which covers issues relating to time brokerage and local marketing agreements involving the assignee.

D. Items 5 and 6: Character Issues/Adverse Findings. These questions require an evaluation of any unresolved character issues involving the assignor or any of its principals, as well as any relevant adverse findings by a court or administrative body. Applicants must review the instructions for Section III, Items 6 and 7, of this form before completing this item.

E. Item 8: Auction Authorization. This question asks the assignor to certify that the proposed assignment will comply with the "unjust enrichment" provisions of the Commission's competitive bidding rules, 47 C.F.R. Section 1.2111(d)(1). Applicants must review the instructions for Section III, Item 12 before completing this item.

F. Item 9: Anti-Drug Abuse Act Certification. This question requires the applicant to certify

that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Applicants must review the instructions for Section III, Item 13, of this form before completing this item.

INSTRUCTIONS FOR SECTION III -- ASSIGNEE

A. **Item 1: Certification.** Assignees must review the instructions for Section II, Item 1 before completing this item.

B. **Item 2: Organization of Assignee.** This question asks the assignee to specify its organizational structure. If the assignee's structure fits none of the categories of business entities enumerated, the applicant must check the box marked "Other" and attach an exhibit describing in detail its organizational structure.

C. **Item 3: Agreements for Sale of Station.** This question requires the assignee to certify that the written agreement submitted with the application and contained in the licensee/permittee's public inspection file embodies the complete and final agreement between the parties and that the agreement complies fully with the Commission's rules and policies regarding station sales contracts. The assignee must undertake an independent evaluation of the contract in order to make this certification. Worksheet #2 provides guidance on key compliance issues to facilitate applicants' review of their proposed transaction, and to help applicants identify issues where additional explanatory exhibits may be required or helpful. If the sale agreements also include a time brokerage agreement or local marketing agreement, pursuant to which the assignee will supply programming to the station prior to FCC approval, then applicants must review Worksheet #3E.

D. **Item 4: Parties to the Application.** This question requires the disclosure of information on the assignee and all parties to the application. As used in this application form, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. See Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986). Generally, insulated limited partners or member of a limited partnership or limited liability corporation, certain investors, and certain creditors are not considered parties to the application. However, as set forth in the checklist F of Worksheet #3 entitled, "Investor Insulation and Non-Party Influence over the Assignee/Applicant," the holder of such an interest may be deemed a party to the application and, thus, must be listed in the table in Item 4a. In the event that the Investor Insulation and Non-Party Influence over Assignee/Applicant worksheet requires the submission of an explanatory exhibit, the assignee must respond "No" to Section III, Item 4b and complete this exhibit.

As used in Section III, the term "assignee" is synonymous with the term "applicant." Additionally, "parties to the application" includes the following with respect to each of the listed applicant entities:

INDIVIDUAL APPLICANT: The natural person seeking to hold in his or her own right the authorization specified in this application.

PARTNERSHIP APPLICANT: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a party to the application **IF** the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the applicant so certifies in response to Section III, Item 4b. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

- (1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;
- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;
- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;
- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification cannot be made if the applicant has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related

businesses of the partnership. In the event that the applicant cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a party to this application.

LIMITED LIABILITY COMPANY APPLICANT: Currently, the Commission treats a C as a limited partnership each of whose members is considered to be a party to the application **UNLESS** the applicant certifies in response to Section III, Item 4b, that the member is insulated in the manner specified above with respect to a limited partnership.

CORPORATE APPLICANT: Each officer, director and owner of stock accounting for 5% or more of the issued and outstanding voting stock of the applicant is considered a party to the applicant. Where the 5% stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25% of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5% or more indirect interest in the applicant ($.25 \times .20 = .05$) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner. Where the 5% stock owner is a partnership, each general partner and any limited partner that is not insulated, regardless of their partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 5% or more of the votes in a corporate applicant will be treated as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application **IF** its aggregated holding accounts for less than 10% of the outstanding votes in the applicant **AND IF** the applicant certifies in response to Section III, Item 4b that:

- (1) such entity exercises no influence or control over the corporation, directly or indirectly; and

- (2) such entity has no representatives among the officers and directors of the corporation.

ANY OTHER APPLICANT: Each executive officer, member of the governing board and owner or holder of 5% or more of the votes in the applicant is considered a party to the applicant.

E. Item 6: Multiple Ownership. This item requires that the applicant certify compliance with the Commission's broadcast ownership rules, including restrictions on investor insulation and participation of non-party investors and creditors. In order to facilitate the evaluation of the transaction that is the subject of this FCC Form 314, applicants are directed to Worksheet #3, which is tailored to the individual inquiries in Item 6.

NOTE -- Radio Applicants Only: If any party to the application proposes to hold an attributable interest in more than one AM or FM station where the principal community contours of the two same-service stations would overlap, the applicant is directed to Worksheet #3, Section A.I., Question 1. If the answer to Question 1 is "No," an applicant is required to submit with the application an explanatory exhibit which must include: (1) a map that clearly identifies, by relevant contours, the location and geographic coverage of the radio market or markets involved; (2) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; and (3) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated, or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

F. Items 7 and 8: Character Issues/Adverse Findings. Item 7 requires the assignee to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An assignee must disclose in response to Item 8 whether it or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy, and on certain specified non-FCC misconduct. In responding to Items 7 and 8, applicants should review the Commission's character qualification policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 7 is "No," the assignee must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The assignee should also fully explain why the unresolved

character issue is not an impediment to a grant of this application.

In responding to Item 8, the assignee should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the assignee may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 8, is "No," the assignee must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The assignee should also fully explain why the adverse finding is not an impediment to a grant of this application.

G. Item 9: Alien Ownership and Control. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country.

Compliance with Section 310 is determined by means of a two-prong analysis, one pertaining to voting interests and the second to ownership interests. See, e.g., BC License Subsidiary L.P., 10 FCC Rcd 10968 (1995). The voting interests held by aliens in a licensee through intervening domestically organized entities are determined in accordance with the multiplier guidelines for calculating indirect ownership interests in an applicant as set forth in the "Corporate Applicant" Instructions for Section III, Item 4. For example, if an alien held a 30-percent voting interest in Corporation A which, in turn, held a non-controlling 40-percent voting interest in Licensee Corporation B, the alien interest in Licensee Corporation B would be calculated by multiplying the alien's interest in Corporation A by that entity's voting interest in Licensee Corporation B. The resulting voting interest ($30\% \times 40\% = 12\%$) would not exceed the 25% statutory benchmark. However, if Corporation A held a controlling 60% voting interest in Corporation B, the multiplier would not be utilized and the full 30 percent alien voting interest in Corporation

A would be treated as a 30 percent interest in Licensee Corporation B, i.e., an impermissible 30% indirect alien voting interest in the licensee. If Partnership A held a 40% voting interest in Licensee Corporation B, that voting interest would be similarly impermissible if any general partner or any non-insulated limited partner of Partnership A was an alien, regardless of their partnership interest.

Assignees must also comply with the separate alien equity ownership benchmark restrictions of Section 310. Under the second prong of the analysis, an assignee must determine the pro rata equity holdings of any alien investor in a licensee entity or its parent. In calculating alien ownership, the same voting interest multiplier rules apply.

In order to complete this two-prong analysis, an assignee must determine the citizenship of each entity holding either a voting or equity interest, or explain how it determined the relevant percentages. Corporate applicants and licensees whose stock is publicly traded have employed a variety of practices, including sample surveys using a recognized statistical methodology, a separate restrictive class of stock for alien owners, and the compiling of citizenship information on each stockholder by the corporation's stock transfer agent, to ensure the accuracy and completeness of their citizenship disclosures and their continuing compliance with Section 310.

H. Item 10: Financial Qualifications. An assignee must certify that it is financially qualified to effectuate its proposal, with sufficient net liquid assets on hand or available from committed sources of funds to consummate the transaction and operate the facilities for three months without additional revenue. This certification includes all contractual requirements, if any, as to collateral, guarantees, and capital investments. See Financial Qualifications Standard, 87 FCC 2d 200 (1981).

Documentation supporting this certification need not be submitted with this application, but must be made available to the Commission upon request. Financial statements relied on to make this certification should be prepared in accordance with generally accepted accounting principles.

I. Item 11: Programming. Assignees need no longer file a specific program service proposal. Nevertheless, prior to making this certification, the applicant should familiarize itself with its obligation to provide programming responsive to the needs and interests of the residents of its community of license. See Programming Information in Broadcast Applications, 3 FCC Rcd 5467 (1988).

j. Item 12: Auction Authorization. The competitive bidding rules adopted by the Commission include certain provisions to prevent "unjust enrichment" by entities that acquire broadcast authorizations through the use of bidding credits or other special measures. Specifically, the holder of a broadcast license or construction permit, who successfully utilized a bidding credit to obtain the authorization, is required to reimburse the government for the total amount of the bidding credit, plus interest based on the rate for ten-year U.S. Treasury obligations applicable on the date the construction permit was granted, as a condition for Commission approval of any assignment or transfer of that license or construction permit, if the authorization will be acquired

by an entity that does not meet the eligibility criteria for the bidding credit. See 47 C.F.R. Sections 1.2111(d)(1), 73.5007. The amount of this payment will be reduced over a five-year period. See 47 C.F.R. Sections 1.2111(d)(2), 73.5007. No payment is required if (1) the authorization is transferred or assigned more than five years after the initial issuance of the construction permit; or (2) the proposed transferee or assignee meets the eligibility criteria for the bidding credit.

In accordance with these provisions, Item 12, requires that the assignee certify that either (1) more than five years have passed since the assignor received its authorization(s) via the competitive bidding process; or (2) the proposed assignee meets the eligibility criteria for the bidding credit. If such certification cannot be made, then the applicant must answer "No" in Item 12 and tender the applicable reimbursement payment to the United States Government. See 47 C.F.R. Sections 1.2111(d), 73.5007, 73.5008.

K. Item 13: Anti-Drug Abuse Act Certification. This question requires the assignee to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 13 constitutes a certification that neither the assignee nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

With respect to this question only, the term "party to the application" includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership organization; and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a 5 percent or more interest in the partnership.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the application to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC or (b) any employee of the FCC; or (c) the United States

Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 50 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0837), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0837.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FOR
FCC
USE
ONLY

FCC 314

**APPLICATION FOR CONSENT TO
ASSIGNMENT OF BROADCAST STATION
CONSTRUCTION PERMIT OR LICENSE**

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1.

Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)
Taxpayer Identification Number	Call Sign	Facility Identifier

2.

Contact Representative (if other than licensee/permittee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

3.

Legal Name of the Assignee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Taxpayer Identification Number	Telephone Number (include area code)	E-Mail Address (if available)

4.

Contact Representative (if other than assignee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

5. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

☐ Governmental Entity

☐ Noncommercial Educational Licensee

☐ Other _____

6. Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5001)? ☐ Yes ☐ No

If yes, list pertinent authorizations in an exhibit.

Exhibit No.

NOTE: See General Instructions, Paragraphs H and I.

Section II - Assignor

1. **Certification.** Licensee/permittee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No
2. **Authorizations to be Assigned.** List call signs, locations and facility identifiers of all authorizations to be assigned. Include construction permits and file numbers. List main station authorizations and any FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations.

Exhibit No.
3. **Agreements for Sale of Station.** Licensee/permittee certifies that:
a. it has placed in its public inspection file(s) and submitted to the Commission copies of all agreements for the sale of the station(s);
b. these documents embody the complete and final understanding between licensee/permittee and assignee; and
c. these agreements comply fully with the Commission's rules and policies. ☐ Yes ☐ No

See Explanation in Exhibit No.
4. **Other Authorizations.** List call signs, locations and facility identifiers of all other broadcast stations in which licensee/permittee or any party to the application has an attributable interest.

Exhibit No.

☐ N/A
5. **Character Issues.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with:
a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or
b. any pending broadcast application in which character issues have been raised. ☐ Yes ☐ No

See Explanation in Exhibit No.
6. **Adverse Findings.** Licensee/permittee certifies that, with respect to the licensee/permittee and each party to the application, no adverse finding has been made, nor has adverse final action been taken related to the following: any felony; mass media- related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination. ☐ Yes ☐ No

See Explanation in Exhibit No.
7. **Local Public Notice.** Licensee/permittee certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No
8. **Auction Authorization.** Licensee/permittee certifies that more than five years have passed since the issuance of the construction permit for the station being assigned, where that permit was acquired in an auction through the use of a bidding credit or other special measure. ☐ Yes ☐ No

See Explanation in Exhibit No.

☐ N/A
9. **Anti-Drug Abuse Act Certification.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III - Assignee

1. **Certification.** Assignee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No

2. Assignee is: ☐ an individual ☐ a general partnership ☐ a for-profit corporation
☐ a limited partnership ☐ a not-for-profit corporation ☐ a limited liability company (LLC/LC)
☐ other

- a. If "other", describe nature of applicant in an Exhibit.

Exhibit No

3. **Agreements for Sale of Station.** Assignee certifies that:

☐ Yes ☐ No

See Explanation
in Exhibit No.

- a. the written agreements in the licensee/permittee's public inspection file and submitted to the Commission embody the complete and final agreement for the sale of the station(s) which are to be assigned; and
b. these agreements comply fully with the Commission's rules and policies.

4. **Parties to the Application.**

- a. List the assignee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the assignee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|--|
| (1) Name and address of the assignee and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the assignee first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship. |
| | (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc. |
| | (4) Percentage of votes. |
| | (5) Percentage of equity. |

(1)	(2)	(3)	(4)	(5)

b. Assignee certifies that equity interests not set forth above are non-attributable.

☐ Yes ☐ No
☐ N/A

See Explanation
in Exhibit No.

5. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which assignee or any party to the application has an attributable interest.

Exhibit No.

☐ N/A

6. **Multiple Ownership.**

a. Assignee certifies that the proposed assignment:

☐ Yes ☐ No

See Explanation
in Exhibit No.

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

b. **Radio Applicants Only.** If the assignment of the station would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission.

☐ Yes ☐ No
☐ N/A

See Explanation
in Exhibit No.

7. **Character Issues.** Assignee certifies that neither assignee nor any party to the application has or has had any interest in, or connection with:

☐ Yes ☐ No

See Explanation
in Exhibit No.

- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or
- b. any pending broadcast application in which character issues have been raised.

8. **Adverse Findings.** Assignee certifies that, with respect to the assignee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

☐ Yes ☐ No

See Explanation
in Exhibit No.

9. **Alien Ownership and Control.** Assignee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. ☐ Yes ☐ No See Explanation in Exhibit No.
10. **Financial Qualifications.** Assignee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months. ☐ Yes ☐ No See Explanation in Exhibit No.
11. **Program Service Certification.** Assignee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area. ☐ Yes ☐ No
12. **Auction Authorization.** Assignee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure. ☐ Yes ☐ No See Explanation in Exhibit No.
☐ N/A
13. **Anti-Drug Abuse Act Certification.** Assignee certifies that neither assignee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**APPLICATION FOR CONSENT TO
TRANSFER CONTROL OF ENTITY HOLDING
BROADCAST STATION CONSTRUCTION
PERMIT OR LICENSE**

GENERAL INSTRUCTIONS

A. This FCC Form is to be used to apply for consent to transfer control of an entity holding a broadcast station construction permit or license. It consists of the following sections:

- I. General Information (licensee, permittee, and contact representatives, if any)
- II. Transferor(s)
- III. Licensee/Permittee
- IV. Transferee(s)

The Licensee/Permittee must complete Sections I and III.

The Transferor(s) must complete Section II.

The Transferee(s) must complete Section IV.

B. This application form makes many references to FCC rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 73 "Radio Broadcast Services"
- (4) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program
Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

C. Applicants that prepare this application in paper form should file an original and two copies of this application and all exhibits. Applicants should follow the procedures set forth in Part 0 and Part 73 of the Commission's rules.

D. Public Notice Requirements:

- (1) 47 C.F.R. Section 73.3580 requires that applicants for consent to transfer control of an entity holding a construction permit or license for an AM, FM, or TV broadcast station give local notice in a newspaper of general circulation in the community to which the station is licensed. Local notice is also required to be broadcast over the station, if operating. However, if the station is the only operating station in its broadcast service licensed to the community involved, publication of the notice in a newspaper is not required. (Noncommercial educational FM stations are classified as a "different service" from commercial FM stations for purposes of this policy.) The publication requirement also applies with respect to major amendments to applications as defined in 47 C.F.R. Section 73.3578(b).
- (2) Completion of publication may occur within 30 days before or after the tender of the application to the Commission. Compliance or intent to comply with the public notice requirements must be certified by the Licensee/Permittee in Item 7 of Section III of this application. The required content of the local notice is described in Paragraph (f) of 47 C.F.R. Section 73.3580; Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.
- (3) With respect to transfers of control that involve FM and TV booster authorizations, local notice in a newspaper of general circulation in the community or area to be served is also required. Compliance or intent to comply with the public notice requirements must be certified by the Licensee/Permittee in Item 7 of Section III of this application. The required content of the local notice is described in Paragraph (g) of 47 C.F.R. Section 73.3580; Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.

E. Names/Addresses: In Section I, II, and IV, applicants should use only those state abbreviations approved by the U.S. Postal Service.

The name of the Licensee/Permittee must be stated in Section I, Item 1, exactly as it appears on the authorization to be assigned.

If the licensee, transferor, or transferee are represented by a third party (such as, for example, legal counsel) for purposes of prosecuting the FCC Form 315, that person's name, firm or company, and telephone/electronic mail address may be specified in Section I, Item 2 (for Licensee/Permittee), Section II, Item 3 (for transferor), and Section IV, Item 3 (for transferee).

F. A copy of the completed application and all related documents shall be made available for inspection by the public in the Licensee/Permittee's public inspection file pursuant to 47 C.F.R. Section 73.3526 for commercial stations and Section 73.3527 for noncommercial educational stations.

G. Applicants should provide all information called for by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. Section 73.3564(b)

H. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.

I. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions and worksheets provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria which the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Sections II-IV, Item 1.

J. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.

K. **A representative from the Licensee/Permittee, the Transferor, and the Transferee must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; if an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. See 47 C.F.R. Section 73.3513.

L. The Commission has suspended the requirement to file a Broadcast Equal Employment Opportunity Model Program (Form 396-A) as part of this application. However, a Notice of Proposed Rule making is currently outstanding regarding the obligation of stations to make reasonable good-faith efforts to seek out qualified applicants regardless of race or gender for vacancies. This proceeding may result in new or modified equal employment opportunity

policies.

INSTRUCTIONS FOR SECTION I--GENERAL INFORMATION

A. **Item 3: Fees.** The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking to assign licenses or permits of AM, FM, or TV broadcast stations are required to submit a fee with the filing of FCC Form 315. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, **provided** that the station(s) being acquired will continue to operate noncommercially. See 47 C.F.R. Section 1.1114.

When filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate. Applications **NOT** subject to a fee may be hand-delivered or mailed to the FCC at its Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Fee-exempt applications should not be sent to the Mellon Bank Lockbox; so doing will result in a delay in processing the application.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of electronic filing procedures, all FCC Form 315 applications requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the fees for the transfer of the various types of broadcast station construction permits and licenses and the addresses to which FCC Form 315 should be mailed or otherwise delivered are also set forth in the "Mass Media Services Fee Filing Guide." This document can be obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling 1-800-418-FORM. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

A separate fee payment must be submitted for each FCC Form 315 filed. Where control of multiple stations is being transferred on one FCC 315, a single payment covering the total required fee, calculated according to the number of AM, FM, or TV station permits or licenses covered by that FCC Form 315, must be made.

Payment of any required fee must be made by check, bank draft, money order, or credit card. If paying by check, bank draft, or money order, the remittance must be denominated in U.S. dollars, drawn upon a U.S. institution, and made payable to the "Federal Communications Commission." No postdated, altered, or third-party checks will be accepted. **DO NOT SEND CASH.** Additionally, checks dated six months or older will not be accepted.

FCC Form 159, dated July 1997, must be submitted with any application subject to a fee received at the Commission. All previous editions of this form are obsolete. The correct FCC Form contains new requirements that must be completed. Failure to use this version of the form or to submit all requested information may delay the processing of the application.

Applicants who wish to pay for **more than one application in the same lockbox with a single payment** may also submit a single FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, applicants must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, applicants should use FCC Form 159C (Continuation Sheet).

Payment of application fees may also be made by Electronic Payment prior to the institution of electronic filing procedures, provided that prior approval has been obtained from the Commission. Licensees/Permittees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 315 may receive a dated receipt copy by presenting a complete copy of the filing to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding fees and payment procedures, applicants should consult the "Mass Media Services Fee Filing Guide."

B. Item 4: Auction Authorization. Under the Commission's competitive bidding licensing procedures, applicants seeking to assign or transfer control of a broadcast constructing permit or license within three years of receipt of the original permit by means of competitive bidding must inform the Commission that such authorization was obtained through competitive bidding. See 47 C.F.R. Section 1.2111(a). Item 4 requires the applicant to identify those authorizations that were obtained through competitive bidding, and for which transfer of control approval is sought.

The Commission's auction rules also require an applicant seeking approval of an assignment of a license or construction permit within three years of receipt of such authorization by means of competitive bidding to file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the consideration that the applicant will receive in return for the assignment of its license or permit. See 47 C.F.R. Sections 1.2111(a), 73.5009(a). **This information should be submitted as an exhibit to Item 4.**

INSTRUCTIONS FOR SECTION II--TRANSFEROR

A. Item 1: Certification. Each applicant is responsible for the information that the application instructions and worksheets convey. As a key element in the Commission's streamlined licensing

process, a certification that these materials have been reviewed and that each question response is based on the applicant's review is required.

B. Item 2: Applicant Name. The name of each transferor must be stated in Item 2: if the transferor is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual transferor, the person's full legal name.

C. Item 4: Ownership Interest to be Transferred. This question requires that the applicants specify, for each transferor in the subject transaction, the **voting and equity percentages** held in the licensee/permittee by that transferor both before and after the consummation of the transaction.

INSTRUCTIONS FOR SECTION III--LICENSEE/PERMITTEE

A. Item 1: Certification. The licensee/permittee must review the instructions for Section II, Item 1, of this form before completing this item.

B. Item 2: Authorizations to be Transferred. Unless specifically enumerated as excluded authorizations, the authorizations for all subsidiary communications services (SCAs), FM and TV booster stations, and auxiliary service stations authorized under Subparts D, E, F, and H of 47 C.F.R. Part 74 will be included in the assignment of the license of the primary station(s). Applicants should list the call signs, locations, and other facility identifying information of all authorizations to be assigned (including booster and auxiliary service stations) in a separate exhibit.

NOTE: Applications for the transfer of control of a permit or license for a TV or FM translator station or a low power television station, a must be filed on **FCC Form 345**. The submission of a separate filing fee with the FCC Form 345 may also be required.

C. Item 3: Agreements for Sale of Station. Applicants must submit with the application and place in the public inspection file of each subject station a complete and final copy of the unredacted contract for the sale of the authorizations that are the subject of this application, including all exhibits and attachments. The application and contracts must be retained until **final** action is taken on this application. See 47 C.F.R. Sections 73.3526(e)(2) (for commercial stations) and 73.3527(e)(2) (for noncommercial educational stations). Applicants must certify their compliance with these requirements in Items 3a and 3b.

In Item 3c asks applicants to certify that the agreements to transfer control of the subject licensee entity "comply fully with the Commission's rules and policies." In order to complete this certification, applicants must consider a broad range of issues. Worksheet #2 provides guidance on key compliance issues to facilitate applicants' review of their proposed transactions, and to help applicant identify issues where additional explanatory exhibits may be required or helpful.

If the sale agreements also include a time brokerage agreement or local marketing agreement pursuant to which the transferee will supply programming to the station prior to FCC approval, then applicants must review Worksheet #3E, which covers issues relating to time brokerage and local marketing agreements involving the transferee.

D. Items 5 and 6: Character Issues/Adverse Findings. These questions require an evaluation of any unresolved character issues involving the transferor(s) or any of their principals as well as any relevant adverse findings by a court or administrative body. Applicants must review the instructions for Section IV, Items 9 and 10, of this form before completing this item.

E. Item 8: Auction Authorization. This question asks the licensee to certify that the proposed transfer will comply with the "unjust enrichment" provisions of the Commission's competitive bidding rules, 47 C.F.R. Section 1.2111(d)(1). Applicants must review the instructions for Section IV, Item 14 before completing this item.

F. Item 9: Anti-Drug Abuse Act Certification. This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Applicants must review the instructions for Section III, Item 11, of this form before completing this item.

INSTRUCTIONS FOR SECTION IV -- TRANSFEE

A. Item 1: Certification. The transferee must review the instructions for Section II, Item 1, of this form before completing this item.

B. Item 2: Name of Transferee. The name of each transferee must be stated exactly in Item 2. The name of the transferee shall be the exact corporate name, if transferee is a corporation; if a partnership, the name of all general partners and the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if the transferees are individual applicants, the full legal name of each person.

C. Item 4: Organization of Transferee. This question asks the transferee to specify its organizational structure. If the transferee's structure is not among the business entities enumerated in the form, the applicant must check the box marked "Other" and attach an exhibit describing in detail its organizational structure.

D. Item 5: Agreements for Sale of Station. This question requires the transferee to certify that the written agreement submitted to the Commission and contained in the licensee/permittee's public inspection file embodies the complete and final agreement between the parties and that the agreement complies fully with the Commission's rules and policies regarding station sales contracts. Worksheet #2 provides guidance on key compliance issues to facilitate applicants' review of their proposed transaction, and to help applicants identify issues where additional

explanatory exhibits may be required or helpful. If the sale agreements also include a time brokerage agreement or local marketing agreement, pursuant to which the transferee will supply programming to the station prior to FCC approval, then applicants must review Worksheet #3E.

E. Item 6: Parties to the Application. This question requires the disclosure of information on the transferee and all parties to the application. As used in this application form, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. See Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986). Generally, insulated limited partners or member of a limited partnership or limited liability corporation, certain investors, and certain creditors are not considered parties to the application. However, as set forth in the checklist entitled, "Investor Insulation and Non-Party Influence over the Transferee/Applicant," the holder of such an interest may be deemed a party to the application, and thus, must be listed in the table in Item 6a. In the event that the Investor Insulation and Non-Party Influence over Transferee/Applicant worksheet requires the submission of an explanatory exhibit, the transferee must respond "No" to Section IV, Item 6b and complete this exhibit.

As used in Section IV, the term "transferee" is synonymous with the term "applicant." Additionally, "parties to the application" includes the following with respect to each of the listed applicant entities:

INDIVIDUAL APPLICANT: The natural person seeking to hold in his or her own right the authorization specified in this application.

PARTNERSHIP APPLICANT: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a party to the application **IF** the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the applicant so certifies in response to Section II, Item 6b. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

- (1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;
- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the

general partner on matters pertaining to the day-to-day operations of its business;

- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;
- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification cannot be made if the applicant has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related businesses of the partnership. In the event that the applicant cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a party to this application.

LIMITED LIABILITY COMPANY APPLICANT: Currently, the Commission treats an LLC as a limited partnership each of whose members is considered to be a party to the application **UNLESS** the applicant certifies in response to Section III Item 6b, that the member is insulated in the manner specified above with respect to a limited partnership.

CORPORATE APPLICANT: Each officer, director and owner of stock accounting for 5% or more of the issued and outstanding voting stock of the applicant is considered a party to the applicant. Where the 5% stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name, title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the in the

applicant, would account for 5% or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25% of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5% or more indirect interest in the applicant ($.25 \times .20 = .05$) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner. Where the 5% stock owner is a partnership, each general partner and any limited partner that is non-insulated, regardless of their partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 5% or more of the votes in a corporate applicant will be treated as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application **IF** its aggregated holding accounts for less than 10% of the outstanding votes in the applicant **AND IF** the applicant certifies in response to Section III. Item 3(b) that:

- (1) such entity exercises no influence or control over the corporation, directly or indirectly; and
- (2) such entity has no representatives among the officers and directors of the corporation.

ANY OTHER APPLICANT: Each executive officer, member of the governing board and owner of holder of 5% or more of the votes in the applicant is considered a party to the applicant.

Radio applicants should be certain to include the proposed ownership structure **for the licensee after consummation of the proposed transaction** (including officers and directors, if the licensee is a corporation) as well as the ownership structure of the transferee because there will be occasions in which the structure of the licensee and the transferee will not be identical. This can occur, for example, when not all of the stock of a corporate applicant is transferred to a new owner, or when the transferees are individuals and not business associations such as corporations or partnerships. For purposes of simplicity and clarity, the licensee structure information may be tendered using the tabular format provided in Item 6.

F. Item 8: Multiple Ownership. This question requires that the applicant certify compliance with the Commission's broadcast ownership rules, including restrictions on investor insulation and participation of non-party investors and creditors. In order to facilitate the evaluation of the transaction that is the subject of this FCC Form 315, applicants are directed to Worksheet #3, which is tailored to the individual inquiries in Item 8.

NOTE -- Radio Applicants Only: If any party to the application proposes to hold an attributable interest in more than one AM or FM station where the principal community contours of the two same-service stations would overlap, the applicant is directed to Worksheet 3, Section A.I., Question 1. If the answer to Question 1 is "No," an applicant is required to submit with the application an explanatory exhibit which must include: (1) a map that clearly identifies, by relevant contours, the location and geographic coverage of the radio market or markets involved; (2) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; and (3) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated, or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

G. Items 9, 10: Character Issues/Adverse Findings. Item 9 requires the transferee to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. A transferee must disclose in response to Item 10 whether it or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy, and on certain specified non-FCC misconduct. In responding to Questions 9 and 10, applicants should review the Commission's character qualification policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 9 is "No," the transferee must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The transferee should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to Item 10, the transferee should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the transferee may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 10, is "No," the transferee must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where

the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The transferee should also fully explain why the adverse is not an impediment to a grant of this application.

H. Item 11: Alien Ownership and Control. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, the representative of an alien, a foreign government or a representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country.

Compliance with Section 310 is determined by means of a two-prong analysis, one pertaining to voting interests and the second to ownership interests. See, e.g., BBC License Subsidiary L.P., 10 FCC Rcd 10968 (1995). The voting interests held by aliens in a licensee through intervening domestically organized entities are determined in accordance with the multiplier guidelines for calculating indirect ownership interests in an applicant as set forth in the "Corporate Applicant" Instructions for Section II, Item 6a. For example, if an alien held a 30-percent voting interest in Corporation A which, in turn, held a non-controlling 40-percent voting interest in Licensee Corporation B, the alien interest in Licensee Corporation B would be calculated by multiplying the alien's interest in Corporation A by that entity's voting interest in Licensee Corporation B. The resulting voting interest ($30\% \times 40\% = 12\%$) would not exceed the 25% statutory benchmark. However, if Corporation A held a controlling 60% voting interest in Corporation B, the multiplier would not be utilized and the full 30 percent alien voting interest in Corporation A would be treated as a 30 percent interest in Licensee Corporation B, i.e., an impermissible 30% alien indirect voting interest in the licensee. If Partnership A held a 40% voting interest in Licensee Corporation B, that voting interest would be similarly impermissible if any general partner or any non-insulated limited partner of Partnership A was an alien, regardless of his or her partnership interest.

Transferees must also comply with the separate alien equity ownership benchmark restrictions of Section 310. Under the second prong of the analysis, a transferee must determine the pro rata equity holdings of any alien investor in a licensee entity or its parent. In calculating alien ownership, the same voting interest multiplier rules apply.

In order to complete this two-prong analysis, a transferee must determine the citizenship of each entity holding either a voting or equity interest or else explain how it determined the relevant

percentages. Corporate applicants and licensees whose stock is publicly traded have employed a variety of practices, including sample surveys using a recognized statistical methodology, the use of a separate restrictive class of stock for alien owners, and the compiling of citizenship information on each stockholder by the corporation's stock transfer agent, to ensure the accuracy and completeness of their citizenship disclosures and their continuing compliance with Section 310.

I. Item 12: Financial Qualifications. A transferee must certify that it is financially qualified to effectuate its proposal, with sufficient net liquid assets on hand or available from committed sources of funds to consummate the transaction and operate the facilities for three months without additional revenue. This certification includes all contractual requirements, if any, as to collateral, guarantees, and capital investments. See Financial Qualifications Standard, 87 FCC 2d 200 (1981).

Documentation supporting this certification need not be submitted with this application, but must be made available to the Commission upon request. Financial statements relied on to make this certification should be prepared in accordance with generally accepted accounting principles.

J. Item 13: Programming. Transferees need no longer file a specific program service proposal. Nevertheless, prior to making this certification, the transferee should familiarize itself with its obligation to provide programming responsive to the needs and interests of the residents of its community of license. See Programming Information in Broadcast Applications, 3 FCC Rcd 5467 (1988).

K. Item 14: Auction Authorization. The competitive bidding rules adopted by the Commission include certain provisions to prevent "unjust enrichment" by entities that acquire broadcast authorizations through the use of bidding credits or other special measures. Specifically, the holder of a broadcast license or construction permit, who successfully utilized a bidding credit to obtain the authorization, is required to reimburse the government for the total amount of the bidding credit, plus interest based on the rate for ten-year U.S. Treasury obligations applicable on the date the construction permit was granted, as a condition for Commission approval of any assignment or transfer of that license or construction permit, if the authorization will be acquired by an entity that does not meet the eligibility criteria for the bidding credit. See 47 C.F.R. Sections 1.2111(d)(1), 73.5007. The amount of this payment will be reduced over a five-year period. See 47 C.F.R. Sections 1.2111(d)(2), 73.5007. No payment is required if (1) the authorization is transferred or assigned more than five years after the initial issuance of the construction permit; or (2) the proposed transferee or assignee meets the eligibility criteria for the bidding credit.

In accordance with these provisions, Item 14 requires that the transferee certify that either (1) more than five years have passed since the transferor received its authorization(s) via the competitive bidding process; or (2) the proposed transferee meets the eligibility criteria for the bidding credit. If such certification cannot be made, then the applicant must answer "No" in Item 14 and tender the applicable reimbursement payment to the United States Government. See 47

C.F.R Sections 1.2111(d), 73.5007, 73.5008.

L. Item 15: Anti-Drug Abuse Act Certification. This question requires the transferee to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 15 constitutes a certification that neither the transferee nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

With respect to this question only, the term "party to the application" includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership organization; and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a 5 percent or more interest in the partnership.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the application to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC or (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is

made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 50 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0837), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0837.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FOR
FCC
USE
ONLY

FCC 315

APPLICATION FOR CONSENT TO TRANSFER CONTROL OF ENTITY HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1.

Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
Taxpayer Identification Number	Call Sign	Facility Identifier

2.

Contact Representative (if other than licensee/permittee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

☐ Governmental Entity

☐ Noncommercial Educational Licensee

☐ Other _____

4. Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5001)? ☐ Yes ☐ No

If yes, list pertinent authorizations in an exhibit.

Exhibit No.

NOTE: See General Instructions, Paragraphs H and I.

Section II - Transferor(s)

1. **Certification.** Transferor(s) certify that it(they) have answered each question in this application based on its review of the application instructions and worksheets. ☐ Yes ☐ No
Transferor(s) further certify that where it (they) have made an affirmative certification below, this certification constitutes its (their) representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.

2. Legal Name of the Transferor			
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Taxpayer Identification Number	Telephone Number (include area code)	E-Mail Address (if available)	

3. Contact Representative (if other than transferor)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

If more than one transferor, submit the information requested in questions 2. and 3. for each transferor.

Exhibit No.

4. Changes in interests as a result of transfer.

(A) NAMES AND ADDRESSES OF ANY PARTY TO APPLICATION HOLDING AN ATTRIBUTABLE INTEREST	(B) CITIZENSHIP	INTEREST HELD			
		(C) BEFORE TRANSFER OR ASSIGNMENT		(D) AFTER TRANSFER OR ASSIGNMENT	
		(1) Percentage Vote	(2) Percentage Equity	(1) Percentage Votes	(2) Percentage Equity

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTE: See General Instructions, Paragraphs H and I.

Section III - Licensee/Permittee

1. **Certification.** Licensee/permittee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No
2. **Authorizations to be Transferred.** List call signs, locations and facility identifiers of all authorizations to be transferred. Include construction permits and file numbers. List main station authorizations and any FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations.

Exhibit No.
3. **Agreements to Transfer Control of Station.** Licensee/permittee certifies that:
a. it has placed in its public inspection file(s) and submitted to the Commission copies of all agreements to transfer control of the station(s);
b. these documents embody the complete and final understanding between transferor(s) and transferee(s); and
c. these agreements comply fully with the Commission's rules and policies. ☐ Yes ☐ No

See Explanation in Exhibit No.
4. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which licensee/permittee or any party to the application has an attributable interest.

Exhibit No.

☐ N/A
5. **Character Issues.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with:
a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or
b. any pending broadcast application in which character issues have been raised. ☐ Yes ☐ No

See Explanation in Exhibit No.
6. **Adverse Findings.** Licensee/permittee certifies that, with respect to the licensee/permittee and each party to the application, no adverse finding has been made, nor has adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination. ☐ Yes ☐ No

See Explanation in Exhibit No.
7. **Local Public Notice.** Licensee/permittee certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No
8. **Auction Authorization.** Licensee/permittee certifies that more than five years have passed since the issuance of the construction permit for the station being transferred, where that permit was acquired in an auction through the use of a bidding credit or other special measure. ☐ Yes ☐ No

See Explanation in Exhibit No.

☐ N/A
9. **Anti-Drug Abuse Act Certification.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTE: See General Instructions, Paragraphs H and I.

Section IV - Transferee (s)

1. **Certification.** Transferee(s) certify that it (they) have answered each question in this application based on their review of the application instructions and worksheets. ☐ Yes ☐ No
Transferee(s) further certify that where it (they) have made an affirmative certification below, this certification constitutes their representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.

2. Legal Name of the Transferee(s)			
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Taxpayer Identification Number	Telephone Number (include area code)	E-Mail Address (if available)	

3. Contact Representative (if other than transferee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

If more than one transferee, submit the information requested in questions 2. and 3. for each transferee.

Exhibit No.

4. **Nature of Applicant.** Each transferee is:

- | | | |
|--|---|---|
| <input type="checkbox"/> an individual | <input type="checkbox"/> a general partnership | <input type="checkbox"/> a for-profit corporation |
| <input type="checkbox"/> a limited partnership | <input type="checkbox"/> a not-for-profit corporation | <input type="checkbox"/> a limited liability company (LLC/LC) |
| | | <input type="checkbox"/> other |

- a. If "other," describe nature of transferee in an Exhibit.

Exhibit No.

5. **Agreements to Transfer Control of Station.** Transferee certifies that:

- a. the written agreements in the licensee/permittee's public inspection file and submitted to the Commission embody the complete and final agreement to transfer control of the station(s) specified in Section III, question 2; and
b. these agreements comply fully with the Commission's rules and policies.

☐ Yes ☐ No

See Explanation
in Exhibit No.

6. **Parties to the Application.**

a. List each transferee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in any transferee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|---|
| (1) Name and address of the transferee and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the transferee first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship.
(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.
(4) Percentage of votes.
(5) Percentage of equity. |
|---|---|

(1)	(2)	(3)	(4)	(5)

b. Applicant certifies that equity interests not set forth above are non-attributable.

☐ Yes ☐ No
☐ N/A

See Explanation
in Exhibit No.

7. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which transferee or any party to the application has an attributable interest.

Exhibit No.

☐ N/A

8. **Multiple Ownership.**

a. Transferee certifies that the proposed transfer:

☐ Yes ☐ No

See Explanation
in Exhibit No.

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

- b Radio Applicants Only. If the transfer of control of the station would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission. ☐ Yes ☐ No ☐ N/A See Explanation in Exhibit No.
9. **Character Issues.** Transferee certifies that neither transferee nor any party to the application has or has had any interest in, or connection with: ☐ Yes ☐ No See Explanation in Exhibit No.
- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or
- b. any pending broadcast application in which character issues have been raised.
10. **Adverse Findings.** Transferee certifies that, with respect to the transferee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. ☐ Yes ☐ No See Explanation in Exhibit No.
11. **Alien Ownership and Control.** Transferee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. ☐ Yes ☐ No See Explanation in Exhibit No.
12. **Financial Qualifications.** Transferee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months. ☐ Yes ☐ No See Explanation in Exhibit No.
13. **Program Service Certification.** Transferee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and ☐ Yes ☐ No
14. **Auction Authorization.** Transferee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure. ☐ Yes ☐ No ☐ N/A See Explanation in Exhibit No.
15. **Anti-Drug Abuse Act Certification.** Transferee certifies that neither transferee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

APPENDIX E

Attached are copies of sample worksheets which may be used to evaluate and substantiate certifications regarding: (1) local notice; (2) sales contract; (3) multiple ownership; and (4) environmental effects. These worksheets, as appropriate, will be included as part of the instructions for each FCC Form.

WORKSHEET # 1**LOCAL NOTICE CHECKLIST**

Applicants must certify that they have complied with Section 73.3580 regarding publication of local notice of the subject application. This worksheet may be used in responding to Section II, Item 9 of FCC Form 301.

1. Newspaper notice**(a) dates of publication**

(i) All within 30 days of tender of the application ☐ Yes ☐ No

(b) daily newspaper published in community? ☐ Yes ☐ No

(i) If yes, public notice must appear twice a week for two consecutive weeks.

(c) No such daily newspaper, weekly newspaper published in community?

☐ Yes ☐ No

(i) If yes, notice must appear once a week for three consecutive weeks.

(d) If no such daily or weekly newspaper, local notice must appear in daily newspaper with the greatest circulation in the community twice a week for two consecutive weeks.

2. Broadcast notice**(a) Once daily for 4 days in the second week following the filing of the application**

☐ Yes ☐ No

(b) At least 2 announcements during "prime time" (6 p.m. - 11 p.m. for television or "drive time" (7 a.m. - 9 a.m. and 4 p.m. - 6 p.m. for radio), as applicable?

☐ Yes ☐ No

3. Text: do the announcements contain the following information?

(a) Applicant name(s) ☐ Yes ☐ No

(b) Names of all officers, directors, 10% shareholders (if corporation), all non-insulated partners (if partnership) ☐ Yes ☐ No

(c) purpose of application ☐ Yes ☐ No

(d) date on which application was filed ☐ Yes ☐ No

(e) Call letters and frequency/channel of station ☐ Yes ☐ No

(f) Statement that copy of application is available in Public File

☐ Yes

☐ No

(g) Location of public file

☐ Yes

☐ No

For FCC Form 301 applicants only:

(h) facilities sought: type and class of station

☐ Yes

☐ No

(i) power sought

☐ Yes

☐ No

(j) antenna height

☐ Yes

☐ No

(k) transmitter site

☐ Yes

☐ No

(l) location of studios

☐ Yes

☐ No

WORKSHEET # 2**SALES CONTRACT EVALUATION WORKSHEET**

This worksheet may be used by the assignor in responding to Section II, Item 3 of FCC Form 314; it may also be used by the assignee in responding to Section III, Item 3. The applicants must review these questions with respect to **all contractual documents**, agreements, and/or understandings between the assignor and the assignee. See Worksheet #3E (Time Brokerage/Local Marketing Agreement) if agreements permit assignee or any third party to provide programming for the subject station(s) prior to Commission approval of the proposed assignment.

1. Do the written contracts and/or agreements in the licensee/permittee's public inspection file embody the complete and final agreement for the sale of the station(s) which are to be assigned? ☐ Yes ☐ No
 - (a) Are there any unwritten agreements between the assignor and the assignee which have not been referenced in the contract documents to be submitted with the application? ☐ Yes ☐ No
If yes, the terms of these agreements must be reduced to writing and submitted along with the other contract documents.
 - (b) Are there any written or oral agreements between the assignor and the assignee regarding **future** contractual arrangements arising out of this transaction? ☐ Yes ☐ No
If yes, the terms of these agreements must be reduced to writing and submitted along with the other contract documents.
 - (c) Have there been any amendments to the contract? ☐ Yes ☐ No
If yes, the amendment (or its material terms, if the amendment is not in writing) must be submitted as an amendment to the application.

Note: the obligation to submit all amendments to the contract continues until Commission action on the subject application is no longer subject to administrative or judicial review.
2. Do these documents provide the assignee with ultimate control over and use of all necessary physical property without reservation? ☐ Yes ☐ No
3. Do these documents provide the assignee with ultimate control over station programming without reservation? ☐ Yes ☐ No

4. (a) Is there any provision in the agreements that provides for a reversion of the license(s) in the event of default or any right to reassignment of the license in the future? ☐ Yes ☐ No

5. (a) Is there any provision in the agreements which provides for a security interest in the station license(s), permits or authorizations? ☐ Yes ☐ No

(b) If yes, does the agreement explicitly recognize that the Commission does not currently permit the grant of security interests in broadcast station licenses, permits, or authorizations? ☐ Yes ☐ No

Note: under existing precedent, it is permissible to grant a security interest in the proceeds of the sale of a station license, permit, or authorization, but not in the license, permit, or authorization itself.

6. Do the agreements contain a covenant not to compete? ☐ Yes ☐ No

(a) If yes, does the geographic scope of the covenant extend beyond the service contour of the station(s) to be assigned (Grade B for TV, 1.0 mV/m for AM and FM)? ☐ Yes ☐ No

(b) If yes, does the duration of the covenant extend beyond the length of a full license term? ☐ Yes ☐ No

7. Do the agreements contain a stock pledge? ☐ Yes ☐ No

(a) If yes, do the agreements expressly state that voting rights will remain with the assignee, even in the event of default? ☐ Yes ☐ No

(b) If yes, do the agreements indicate that, in the event of default, there will be either a public (i.e., auction) or private arm's length sale of the pledged interests? ☐ Yes ☐ No

(c) If yes, do the agreements indicate provide that, prior to the exercise of stockholder rights by the purchaser at such public or private sale, prior consent of the Commission (pursuant to 47 U.S.C. §310(d)) will be obtained? ☐ Yes ☐ No

WORKSHEET # 3

This worksheet may be used in connection with Section II, Item 4 of FCC Form 301, the applicant's certification that the proposed station acquisition will comply with the Commission's multiple ownership rules. For the convenience of the applicant, the various ownership restrictions have been broken down and separated.

A. MULTIPLE OWNERSHIP RULES

This section of the worksheet may be used in connection with Section II, Item 4.a.1. of FCC Form 301, the applicant's certification of compliance with the Commission's numerical and cross-ownership limitations.

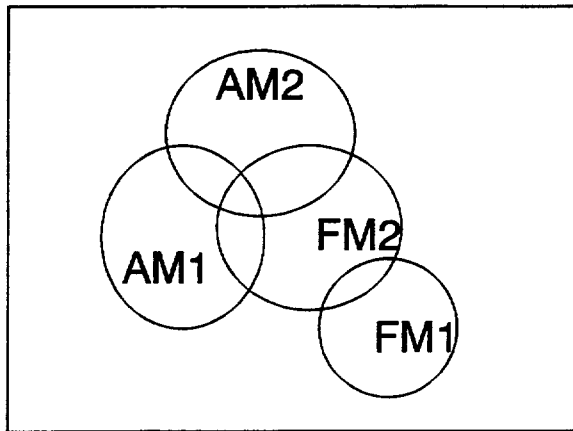
I. LOCAL RADIO STATION OWNERSHIP

The local radio ownership rule, 47 C.F.R. § 73.3555(a)(1), limits number of stations in which a party may hold attributable interests in any particular radio market. In radio markets with 14 or fewer commercial radio stations, a party may hold an attributable ownership interest in up to 5 commercial radio stations, not more than 3 of which are in the same service (AM or FM). However, a party may not hold an attributable ownership interest in more than 50 percent of the stations in markets of 14 or fewer stations. In a radio market with between 15 and 29 (inclusive) commercial radio stations, a party may hold an attributable ownership interest in up to 6 commercial radio stations, no more than 4 of which are in the same service. In a radio market with between 30 and 44 (inclusive) commercial radio stations, a party may hold an attributable ownership interest in up to 7 commercial radio stations, no more than 4 of which are in the same service. In a radio market with 45 or more commercial radio stations, a party may hold an attributable ownership interest in up to 8 commercial radio stations, no more than 5 of which are in the same service.

A radio market is defined as that area encompassed by the principal community contours (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of the mutually overlapping stations proposing to have common ownership. The number of stations in the market is based on the principal community contours of all operating, full-service commercial stations whose principal community contours overlap or intersect the principal community contours of the commonly-owned and mutually overlapping stations.

In calculating the number of stations in a market in which a party may have an attributable ownership interest, only commonly-owned stations that contribute to the mutual overlap in the relevant radio market count toward an applicant's Section 73.3555(a)(1) numerical limit. That is, a station contour that overlaps the contour of a station outside the mutual overlap area, but does not have mutual overlap with all stations that create the market, does not count toward

the local radio ownership "cap." By way of illustration, in the simplified example below, Stations AM1, AM2, and FM1 have mutually overlapping contours; they therefore constitute a "market" for purposes of the local radio ownership rules. The applicant/applicant should use the methodology specified above to determine the number of stations in that market. However, Station FM2 does not overlap the mutually overlapping contours of Stations AM1, AM2, and FM1. Therefore, the proposed acquisition of Station FM2 would not count as an additional station toward the local ownership cap for purposes of the Station AM1-AM2-FM1 overlap area. Rather, Stations FM1 and FM2 would need to be analyzed as forming a



separate radio "market."

An applicant should review this worksheet if the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of any AM or FM station being assigned overlaps with the principal community service contour of an AM or FM station in which the applicant or any party to this application has or proposes to have an attributable interest (including any AM or FM station with principal community contour overlap in which the applicant or any party to the application brokers or proposes to broker more than 15 percent of the broadcast time per week of such station).

1. Is the overlap in every instance between only one AM and one FM station where neither of these two stations overlaps the principal community contour of a third station in the same service? ☐ Yes ☐ No

If yes, the proposed application complies with local radio station ownership rules.

If the answer to 1. is "No," answer the following questions with regard to each of the radio markets defined by the stations with mutually overlapping principal community contours:

2. Number of commercial AM and FM stations in the market:

- ☐ 45 or more
- ☐ Between 30 and 44
- ☐ Between 15 and 29
- ☐ 14 or fewer

3. Number of FM stations in the market in which the applicant or parties to the application would have an attributable interest following assignment of the stations: _____

4. Number of AM stations in the market in which the applicant or parties to the application would have an attributable interest following assignment of the stations: _____

5. Total number of AM and FM stations in the market in which the applicant or parties to the application would have an attributable interest following assignment of the stations:

If applicant determines based on its review of these questions that it is in compliance with 47 C.F.R. § 73.3555(a), applicant may certify to such compliance in the attached application. If applicant determines that it is not in compliance with the local radio ownership rules, it must mark "No" to Section II, Item 4.a. and submit an exhibit stating reasons in support of a waiver of the rules.

Note: An applicant responding "No" to question 1 of this worksheet section must also submit a local radio ownership exhibit. See instructions at Section IIB. This exhibit should include (1) a map that clearly identifies, by relevant contours, the location and geographic coverage of the radio market or markets involved; (2) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; and (3) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated, or controlled, including any AM or FM station in the market for which the applicant or nay party to the application brokers more than 15 percent of that station's broadcast time per week.

II. TELEVISION OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4.a.1. for the proposed acquisition of a full-service television station. The television ownership rules place a numerical limit on the number of stations that can be owned by one entity in the local market and restrict the total national audience reach that can be attained by any one television station owner. See 47 C.F.R. Sections 73.3555(b); 73.3555(e).

1. **Local Ownership.** Will grant of this application for a commercial television station result in the applicant or any party to this application having an attributable interest in another commercial television station whose Grade B contour overlaps the Grade B contour of the station(s) being assigned?

☐ Yes ☐ No

2. **National Audience Reach.** Will grant of this application for a commercial television station being result in the applicant or any party to this application having an attributable interest in commercial television stations which have an aggregate national audience reach exceeding 35 percent?

☐ Yes ☐ No

If "Yes" to questions 1 or 2, the applicant must mark "No" to Section II, Item 4.a.1. and submit an exhibit stating the reasons in support of an exemption from, or waiver of, the Commission's television ownership rules.

III. JOINT TELEVISION/RADIO OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4.a.1., when the applicant will have both full-service television and full-service radio interests in the same local market.

Will grant of this application result in the applicant or any party to this application having or maintaining an attributable interest in a commercial AM or FM station and a commercial television station where:

a. the 1 mV/m contour of the commercial FM station or the 2 mV/m contour of the commercial AM station encompasses the entire community (communities) of license of the commercial television station? ☐ Yes ☐ No

b. the Grade A contour of the commercial television station encompasses the entire

community (communities) of license of the commercial AM or FM station?

☐ Yes ☐ No

If yes to a. or b., the applicant must mark "No" to Section II, Item 4.a.1. and submit an Exhibit stating the reasons in support of a waiver of the Commission's one-to-a-market ownership rule. See 47 C.F.R. §73.3555(c).

IV. CROSS-OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4.a.1. of FCC Form 314 when the applicant will have other, non-broadcast, media interests in the same local market as the station(s) it seeks to acquire.

1. Broadcast/Daily Newspaper ownership. Will the acquisition of the station(s) being assigned/grant of this application result in the applicant or any party to this application having or maintaining an attributable interest in a daily English-language newspaper which is published in a community entirely encompassed by:

- a. the 1 mV/m contour of one of the FM station(s) ☐ Yes ☐ No
- b. the 2 mV/m contour of one of the AM station(s) ☐ Yes ☐ No
- c. the Grade A contour of one of the commercial television station(s) ☐ Yes ☐ No

2. Television/Cable System Ownership. Will the grant of this application result in the applicant or any party to this application directly or indirectly owning, operating, controlling, or having an attributable interest in a cable television system whose service area (i.e., the area within which the system is serving subscribers) is overlapped in whole or in part by the Grade B contour of the television station? ☐ Yes ☐ No

If Yes to any question in either 1. or 2., the applicant must mark "No" to Section II, Item 4.a.1. and submit an Exhibit stating the reasons in support of a waiver of the Commission's broadcast/daily newspaper or television/cable system cross-ownership rules.

B. CROSS-INTEREST

This section of the worksheet may be used in connection with Section II, Item 4.a.2., which requires that the applicant certify that the proposed acquisition complies with the Commission's cross-interest policy.

The cross-interest policy was developed as a supplement to the multiple ownership rules and was designed to encompass minority stock or positional interests that would not be prohibited by the multiple ownership rules but nonetheless could have significant adverse competitive effects. The cross-interest policy is designed to determine whether or not an applicant has a "meaningful" relationship in: (1) two competing broadcast stations serving substantially the same area; or (2) a broadcast station and a daily newspaper serving substantially the same area.

A broadcast station and a daily newspaper are considered to be in the same area if: (1) the predicted or measured 2 mV/m contour of an AM station encompasses the entire community in which such daily newspaper is published; (2) the predicted 1 mV/m contour of an FM station encompasses the entire community in which such daily newspaper is published, or (3) the Grade A contour of a TV station encompasses the entire community in which such daily newspaper is published. A daily newspaper is one that is published four or more days per week, is in the English language, and is circulated generally in the community of publication. A college newspaper is not considered to be "circulated generally." See 47 C.F.R. §73.3555(d) and 47 C.F.R. §73.3555 Note 6.

1. Does the Applicant or any party to this application hold a nonattributable interest of 5% or more equity in a commercial radio or television station in the same area (as defined by 47 C.F.R. § 73.3555)? ☐ Yes ☐ No
2. Does any nonattributable holder of more than 5% equity in the Applicant hold an attributable interest in a commercial radio or television station in the same area (as defined by 47 C.F.R. §73.3555)? ☐ Yes ☐ No
3. Does the Applicant or any party to this application hold a nonattributable interest of 5% or more equity in a daily English-language newspaper in the same area (as defined by 47 C.F.R. § 73.3555)? ☐ Yes ☐ No
4. Does any nonattributable holder of more than 5% equity in the Applicant hold an attributable interest in a daily English-language newspaper in the same area (as defined by 47 C.F.R. §73.3555)? ☐ Yes ☐ No
5. For Commercial Television Applicants Only. Does the Applicant or any party to this

application have a nonattributable interest of 5% or more in a cable television system in the same area (as defined in 47 C.F.R. §73.3555)? ☐ Yes ☐ No

6. Does any nonattributable holder of more than 5% equity in the Applicant hold an attributable interest in a cable system in the same area (as defined by 47 C.F.R. §73.3555)?

☐ Yes ☐ No

If the answer to any of questions 1-6 is "Yes," the applicant must check the box marked "No" in Section II, Item 4.a.2. and submit an Exhibit detailing the nature and extent of the relationship, including the name of the party having the interest and the call letters/location of the station(s) involved or identifying the daily newspaper involved, whichever is applicable.

7. Does the Applicant or any party to this application hold any of the following positional interests in any commercial radio or television station in the same area (as defined by 47 C.F.R. §73.3555)? ☐ Yes ☐ No

A. General Manager (or equivalent)

☐ Yes ☐ No

B. Program Director (or equivalent)

☐ Yes ☐ No

C. Sales manager

☐ Yes ☐ No

If the answer to A, B, or C, is "Yes," the applicant must answer "No" in Section II, Item 4.a.2. and submit an exhibit stating the nature and extent of the relationship, including the name of the party having the interest and the call letters of the stations involved.

8. **"Joint Venture."** Is the Applicant essentially a joint venture between two radio stations in the same service to build another station in a different service in the same market?

☐ Yes ☐ No

If "Yes," the applicant must mark "No" in Section II, Item 4.a.2. and submit an exhibit identifying the other stations involved and the proposed equity each station owner will have in the applicant.

C. FAMILY RELATIONSHIPS

This section of the worksheet may be used in connection with Section II, Item 4.a.3. of FCC Form 301, which requires the applicant to certify that the proposed acquisition does not "present an issue" under the Commission's policies relating to media interests of immediate family members (i.e., husband, wife, father, mother, brother, sister, son or daughter).

The Commission does not prohibit, but rather considers relevant, media interests owned by immediate family members. Accordingly, the applicant should examine the media interests of its principals' immediate family members to determine whether or not those media interests will be independent and not subject to common influence or control. See Policy Statement, Clarification of Commission's Policies Regarding Spousal Attribution, 7 FCC Rcd 1920 (1992), Sevier valley Broadcasting, Inc., 10 FCC Rcd 9795 (1995).

An applicant should review this worksheet if the answer to the following question is "Yes": Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or daily newspaper in the same area or, in the case of a television station applicant only, a cable television system in the same area.

☐ Yes ☐ No

A broadcast station and a daily newspaper are considered to be in the same area if: (1) the predicted or measured 2 mV/m contour of an AM station encompasses the entire community in which such daily newspaper is published; (2) the predicted 1 mV/m contour of an FM station encompasses the entire community in which such daily newspaper is published; or (3) the Grade A contour of a TV station encompasses the entire community in which such daily newspaper is published. A daily newspaper is one that is published four or more days per week, is in the English language and is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally. See 47 C.F.R. § 73.3555(d) and 47 C.F.R. § 73.3555 Note 6.

A television station and a cable television system are considered to be in the same area if the Grade B contour of the television station overlaps in whole or in part the service area of such system, i.e., the area within which the system is serving subscribers. See 47 C.F.R. § 76.501(a).

Answer the following questions for each such relationship:

1. Has the family member who is not included as a party to the application been involved in negotiations with the licensee/permittee for the construction of the station/acquisition of any of the station(s) to be assigned?

☐ Yes ☐ No

2. Has the family member who is not included a party to the application provided financing or otherwise been involved in the process of making financial arrangements for the construction of the station/acquisition of any of the station(s) to be assigned?

☐ Yes ☐ No

3. Is this the first broadcast ownership interest of the family member who is a party to the application?

☐ Yes ☐ No

4. Are the family members involved together in the management or operation of any other media interests located in other areas?

☐ Yes ☐ No

5. Are there any agreements, arrangements or understandings, either written or oral, between the family members with same-area media interests for the participation of one family member in the financial affairs, commercial practices, programming, or employment practices of the other family member's media entity. Consider, for example, joint sales agreements, local marketing agreements, and arrangements to share facilities or personnel.

☐ Yes ☐ No

If applicant answers "No" to all of the above questions, applicant may certify in the Section II, Item 4.a.3. that it complies with the Commission's policies relating to media interests of immediate family members. If applicant answers "Yes" to any one of the above questions, the applicant must mark "No" to Section II, Item 4c and should submit an exhibit giving full particulars, including the family relationship involved and a detailed account of the business or media relationship between family members.

D. FUTURE OWNERSHIP RIGHTS

This section of the worksheet may be used in connection with Section II, Item 4.a.4., which requires the applicant to certify that the proposed acquisition complies with the Communications Act and the Commission's regulations and policies concerning future ownership rights in broadcast stations.

Section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §310(d), prohibits assignment, transfer or any disposition of a broadcast license without first applying to the Commission and receiving approval prior to any disposition of the license. Similarly, Commission precedent currently prohibit (1) pledge of a broadcast license as collateral for a loan, OR (2) grant of a security interest (or any similar encumbrance) in a broadcast license. These inquiries are directed to current and prospective third-party interests in the applicant/applicant.

In order to certify compliance with Section II, Item 4.a.4. of FCC Form 301, the applicant should review the following questions:

1. Are there **any** documents, instruments, contracts, or understandings relating to future ownership rights in the applicant or any party to the application including, but not limited to: (1) stock pledges; (2) security agreements; (3) non-voting stock interests; (4) beneficial stock ownership interests; (5) options; (6) warrants; or (7) debentures?

☐ Yes ☐ No

If no, applicant may certify compliance with the future ownership inquiry.

If yes, proceed to the questions below.

2. (a) Is there any provision in the agreements which provides for a security interest in the station license(s), permits or authorizations? ☐ Yes ☐ No

(b) If yes, does the agreement explicitly recognize that the Commission does not currently permit the grant of security interests in broadcast station licenses, permits, or authorizations? ☐ Yes ☐ No

If the answer to (b) is "No," the applicant must mark "No" to Section II, Item 4.a.4., and submit an exhibit detailing the security arrangement and explaining how it does not violate the prohibition on the grant or taking of security interests in a broadcast permit or license.

Note: under existing precedent, it is permissible to grant a security interest in the **proceeds of the sale** of a station license, permit, or authorization, but not in the license, permit, or authorization itself.

3. Do the agreements contain a stock pledge? ☐ Yes ☐ No
- (a) If yes, do the agreements expressly state that voting rights will remain with the applicant, even in the event of default? ☐ Yes ☐ No
- (b) If yes, do the agreements indicate that, in the event of default, there will be either a public (i.e., auction) or private arm's length sale of the pledged interests? ☐ Yes ☐ No
- (c) If yes, do the agreements provide that, prior to the exercise of stockholder rights by the purchaser at such public or private sale, prior consent of the Commission (pursuant to 47 U.S.C. §310(d)) will be obtained? ☐ Yes ☐ No

If the answer to either (a), (b), or (c) is "No," the applicant must mark "No" to Section II, Item 4.a.4. and submit an exhibit providing all details of the stock pledge agreement and demonstrating how the agreement is not violative of Section 73.1150 and Commission precedent.

4. If the agreements contain provisions relating to the acquisition of non-voting stock interests, beneficial stock interests, warrants, debentures convertible into voting or non-voting stock,

- (a) would the exercise of those interests, individually or in the aggregate, effectuate a positive or negative transfer of control of the applicant/applicant? ☐ Yes ☐ No

If yes, the agreements must clearly indicate that, prior to the acquisition, exercise, or conversion of any future interest into equity that would effectuate a positive or negative transfer of control, prior Commission approval will be sought and received. If they do not, the applicant must mark "No" to Section II, Item 4.a.4., and submit an explanatory exhibit providing all details and explaining how the agreements do not violate Commission policy or precedent.

E. TIME BROKERAGE/LOCAL MARKET AGREEMENTS

This worksheet also may be used in connection with the certifications regarding the future ownership interests in Section II, Item 4.a.4. of FCC Form 301. They are intended for use only when the applicant's agreements with lenders, potential investors, or other third parties includes a "time brokerage agreement," "local marketing agreement," or any other document pursuant to which that party provides programming for the subject station.

1. Do any agreements entered into by the applicant contain a time brokerage agreement or local marketing agreement pursuant to which any entity will provide programming to the (proposed) station?

☐ Yes ☐ No

For Radio Applicants Only:

(a) does the broker or program supplier have an attributable interest in any other radio stations in the market, or does the applicant or any party to this application supply programming to another station in the market?

☐ Yes ☐ No

(b) will the broker or program supplier provide more than 15 percent of the other station's proposed weekly program hours?

☐ Yes ☐ No

If "Yes" to both (a) and (b), the brokered station will count as an attributable interest of the broker/program supplier and must be considered in certifying compliance with the multiple/local radio ownership rules.

2. Has the applicant retained sufficient rights and obligations over the station's personnel, programming, and finances of the station such that it retains control of the station under applicable Commission precedent, i.e., does the licensee/permittee:

☐ Yes ☐ No

a. retain the right to reject/substitute programming without excessive fee or penalty

☐ Yes ☐ No

b. retain the right to terminate the agreement without excessive fee or penalty)

☐ Yes ☐ No

c. retain responsibility for broadcasting programming to meet local needs

☐ Yes ☐ No

d. retain the obligation to prepare and file the quarterly issues/programs list

☐ Yes ☐ No

e. retain the responsibility to comply with the Commission's political programming rules ☐ Yes ☐ No

f. retain the obligation to pay station expenses ☐ Yes ☐ No

g. retain the obligation to maintain the station's main studio and staff that studio with at least one management-level and one staff-level employee, Monday through Friday during regular business hours ☐ Yes ☐ No

If the response to any of these questions is "No," the agreement may not comport with existing Commission precedent. The applicant should therefore mark the box marked "No" in the appropriate certification and supply an exhibit explaining how the agreement does not amount to a premature assumption of control by the applicant.

3. Does the programming agreement extend beyond one full license term (i.e., eight years?)

☐ Yes ☐ No

If "Yes," the agreement may exceed the length allowable under Commission precedent. the applicant must therefore mark "No" to Section II, Item 4d, and submit an exhibit containing the complete programming agreement (with all attachments) and discussing how its operation complies with precedent.

4. If the response to Question 1 of this worksheet section is "Yes," is the broker/program supplier also

(i) providing funding for station construction/acquisition? ☐ Yes ☐ No

(ii) holding a bona fide option to purchase the station? ☐ Yes ☐ No

Note: For Television assignment/transfer applicants only: Pursuant to Public Notice entitled "Processing of Applications Proposing Local Marketing Agreements," Mimeo No. 54161 (M.M. Bur. June 1, 1995), brokers may not program a television station, fund its acquisition, and hold an option to purchase that station at a future time.

F. INVESTOR INSULATION AND NON-PARTY INFLUENCE OVER APPLICANT

This section of the worksheet may be used in connection with Section II, Item 4.a.5., which requires the applicant to certify that it complies with the Commission's restrictions relating to the insulation and non-participation (*i.e.*, attribution) of non-party investors and creditors. See e.g., Notice of Proposed Rule Making in MM Docket Nos. 94-150, 92051, and 87-154, 10 FCC Rcd 3606 (1995), Further Notice of Proposed Rule Making, 11 FCC Rcd 19,895 (1997). It may be instructive by indicting the kinds of contractual relationships that the Commission considers may exceed the authority of a properly insulated investor or demonstrate some indicia of de facto control by a creditor.

I. Investor Insulation

If an applicant/applicant is a limited partnership or a limited liability company ("LLC") that seeks to insulate partners or members in accordance with the Commission's attribution rules, the applicant shall ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC. To ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC, the applicant should answer the following inquiries. Do the limited partnership or LLC enabling documents:

a. specify that any exempt limited partner/LLC member (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership/LLC member if his or her functions, directly or indirectly, relate to the media enterprises of such entity; ☐ Yes ☐ No

b. bar any exempt limited partner/LLC from serving, in any material capacity, as an independent contractor or agent with respect to the partnership/LLC's media enterprises; ☐ Yes ☐ No

c. restrict any exempt limited partner/LLC member from communicating with the limited partnership/LLC, the general partner, or any LLC management committee on matters pertaining to the day-to-day operations of its business; ☐ Yes ☐ No

d. empower the general partner/LLC management committee to veto any admissions of additional general partners/LLC members admitted by vote of the exempt limited partners/LLC members; ☐ Yes ☐ No

e. prohibit any exempt limited partner/LLC member from voting on the removal of a general partner/LLC member or limit this right to situations where the general partner/LLC

member is (i) subject to bankruptcy proceedings, as described in Section 402(4)-(5) of the Revised Uniform Limited Partnership Act, (ii) is adjudicated incompetent by a court of competent jurisdiction, or (iii) is removed for cause, as determined by an independent party;

☐ Yes ☐ No

f. bar any exempt limited partner/LLC member from performing any services to the limited partnership/LLC materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and

☐ Yes ☐ No

g. state, in express terms, that any exempt limited partner/LLC member is prohibited from becoming actively involved in the management or operation of the media businesses of the limited partnership/LLC.

☐ Yes ☐ No

If the answer is "Yes" to each of these conditions with regard to every limited partner and LLC member that the applicant seeks to insulate, the applicant may certify that it complies with the Commission's restrictions regarding insulation of non-party investors. If not, the applicant must submit an Exhibit providing describing all rights held by any non-party investors. If the answer is "No" to **any one** of these conditions, the investor must be listed as a party to the application in the table at Section II, Item 2a.

II. Non-Party Influence Over Applicant/Applicant

A. Non-party investors, i.e., investors with nonattributable interests, may have very limited powers over the operations of a licensee. Accordingly, with respect to any agreement, arrangement or understanding involving insulated parties or other investors with nonattributable interests, including creditors, secured parties, program suppliers, and any other persons not disclosed as parties to this application, does such agreement:

1. give any non-party investor the right to vote on any matters decided by the applicant's board of directors, partnership committee or other management group;

☐ Yes ☐ No

2. give any non-party investor the right to attend, or appoint an observer to attend, applicant board, partnership or other management meetings;

☐ Yes ☐ No

3. place any limitation on applicant/applicant programming discretion;

☐ Yes ☐ No

4. give any non-party investor the right to vote on, approve or restrict applicant/applicant's actions on any matter relating to programming, personnel or finances;

☐ Yes ☐ No

5. give any non-party creditor or any bond, debenture or warrant holder the right to vote on, approve or restrict the applicant/applicant's actions on any matter relating to programming, personnel or finances; ☐ Yes ☐ No

6. give any non-party creditor or any bond, debenture or warrant holder the right to share in the profits of the applicant/applicant; ☐ Yes ☐ No

7. give any non-party investor that holds a non-voting convertible interest the right to convert such an interest and acquire control of the applicant based on the applicant/applicant's actions relating to programming, personnel and finances; ☐ Yes ☐ No

8. give any non-party investor, creditor, or bond, debenture or warrant holder the right to vote on, approve or deny the selection or removal of a general partner of an applicant/applicant partnership or a member of the applicant/applicant's governing body; and ☐ Yes ☐ No

9. give any non-party investor, creditor, or bond, debenture or warrant holder the right to convert, tender or require the tendering of stock pursuant to a put or call agreement based on the actions of the applicant/applicant relating to programming, personnel or financing. ☐ Yes ☐ No

If the answer to all of these conditions is "No" with regard to every non-party investor and creditor, *and there are no other provisions that cede de facto control to a non-party*, applicant may certify that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors. If the answer to any of these inquiries is "Yes," the applicant must submit an Exhibit detailing the rights of any non-party investor and setting forth fully the applicant's reasons for not treating the investor as a party to the application.

B. With respect to any loan agreement, has the applicant/applicant ensured that such agreement:

1. includes an unconditional promise by the applicant to pay on demand or on a specific date a sum certain; ☐ Yes ☐ No

2. contains a fixed or defined variable rate of interest on the loan; and ☐ Yes ☐ No

3. does not prohibit the redemption of the loan by the applicant, or permit redemption at the option of the lender only. ☐ Yes ☐ No

If the answer to each of these inquiries is "Yes," and if there are no other provisions that may give non-party investors control, the applicant may certify that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors. If not, the applicant must submit an Exhibit detailing the rights of the lender and the obligations of the applicant/applicant for each loan agreement.

WORKSHEET #4:**ENVIRONMENTAL**

All applicants can use the general Environmental Worksheet. Some, but not all, applicants for AM and FM facilities will also be able to use the RF worksheets. Generally, an AM or FM applicant can use the RF worksheets if: (1) it is the only user on its tower; (2) its station is one of several FM/FM translator stations located on a single tower; or (3) its station uses a multiple-tower AM array but no other user is co-located within the array. Additionally, in order to be eligible to use the RF worksheets, access to AM stations must be restricted by use of a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be included at appropriate intervals describing the potential for RF exposure.

If an applicant cannot use the RF worksheets, it may show its compliance with RF guidelines in other ways, as detailed in OET Bulletin 65.

If the worksheets indicates that an applicant exceeds acceptable RF levels, it does not necessarily mean that the proposed station does not or cannot meet the Commission's RF requirements. The worksheets are based on generalized "worst case" presumptions. It may be that a more individualized evaluation of the proposed station (possibly with the help of a consulting engineer) will demonstrate that RF levels are acceptable. Among the individual factors that may be relevant are antenna radiation patterns, actual RF measurements, barriers/precautions that prevent access to high RF areas, etc. These factors are also explained in OET Bulletin 65.

Applicants satisfying the RF requirements on the basis of such non-worksheet factors should submit a detailed explanation demonstrating their compliance. Otherwise, applicants should submit an Environmental Assessment, as explained in 47 C.F.R. Section 1.1311 explaining the environmental consequences of the proposed station's operation.

GENERAL ENVIRONMENTAL WORKSHEET

Commission grant of an application may have a significant environmental impact, thereby requiring an Environmental Assessment (EA), if you answer "Yes" to any of the following 8 items:

THIS FACILITY:

1. involves high intensity white lighting located in residential neighborhoods. Yes ☐ No ☐
2. is located in an officially designated wilderness area or wildlife preserve. Yes ☐ No ☐
3. threatens the existence or habitat of endangered species. Yes ☐ No ☐
4. affects districts, sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture that are listed in the National Register of Historic Places or are eligible for listing. Yes ☐ No ☐
5. affects Indian religious sites. Yes ☐ No ☐
6. is located in a floodplain. Yes ☐ No ☐
7. requires construction that involved significant changes in surface features (e.g., wetland fill, deforestation or water diversion). Yes ☐ No ☐
8. does not comply with the FCC established guidelines regarding exposure to RF electromagnetic fields as described in OET Bulletin 65. Yes ☐ No ☐

CONCLUSION

Based on your consideration of the above, the proposed facility would **not** be excluded from environmental processing under 47 C.F.R. § 1.1306 (*i.e.*, the facility will have a significant environmental impact) thereby requiring an Environmental Assessment? Yes ☐ No ☐

Applicants who answered "No" to all questions on this General Worksheet but who are relying on information **other than that in our RF Worksheets** to support their RF compliance statement should submit a detailed explanation demonstrating their compliance. Additionally, all applicants for television and digital television facilities must submit such an exhibit.

Applicants answering "Yes" to any question on this General Worksheet should submit an

Environmental Assessment, which is described in further detail below.

I. ENVIRONMENTAL ASSESSMENT

If an Environmental Assessment is necessary, you should consider seeking the assistance of a consulting communications engineer. An Environmental Assessment (EA) must include the following (See 47 C.F.R. Section 1.1311):

1. A description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
2. A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effects.
3. A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
4. A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might be reasonably considered.
5. A statement why the site cannot meet the FCC guidelines for RF exposure with

respect to the public and workers.

II. RF EXPOSURE COMPLIANCE WORKSHEETS/INSTRUCTIONS

Who may use these worksheets?

1. A directional AM station (i.e., one using a multiple tower array) that does not share its towers with any other non-excluded RF sources (including, but not limited to, FM or TV transmitting antennas) and is located more than 315 meters (1,034 feet) from any other tower or non-excluded RF radiation sources; or
2. A non-directional AM station located on a single-use tower more than 315 meters (1,034 feet) from any other tower or other non-excluded RF radiation sources; or
3. An FM station on a single tower that may or may not support other FM stations (including FM translators and boosters) and that is more than 315 meters (1,034 feet) from any other tower or other non-excluded RF sources.

Ineligible Sites.

Please note that the applicant **cannot** use these worksheets if any of the following apply:

1. The application is for a television or digital television facility.
2. There are other towers or supporting structures with non-excluded (see 47

C.F.R. Section 1.1307(b)) RF sources within 315 meters of your tower;

3. There are TV antennas and/or other RF sources on your tower other than AM or FM that are not categorically excluded from environmental processing by 47 C.F.R. Section 1.1307;
4. There is an FM, TV or other non-excluded RF source co-located within a multiple tower AM array;
5. The tower is located at a site where the terrain or a building or other inhabited structure (other than a transmitter building) within a 315 meter radius is higher than the level of the terrain at the base of the tower (**Note:** Sites with transmitter buildings at the base of the tower are considered "eligible" provided that procedures are established in accordance with the methods described in OET Bulletin 65 to protect persons with access to such buildings from RF exposure in excess of the FCC-adopted limits.); or
6. AM towers where access is not restricted by fencing or other barrier that preclude casual or inadvertent access to the site and warning signs are not included at appropriate intervals describing the potential for RF exposure.

The above categories have been excluded from the RF worksheets not because of a propensity to cause excessive RF radiation, but because a determination of their compliance involves more complex calculations and measurements. If you are not eligible to use the RF worksheets, or

elect not to use them, before reaching a determination with respect to your facilities you should review **OET Bulletin 65 and Supplement A** in order to properly evaluate your facility for compliance with the RF guidelines. The bulletin provides information and assistance on the RF guidelines, prediction methods, measurement procedures and instrumentation, methods for controlling exposure, and reference material. In that regard, you may provide data which demonstrates compliance with our RF guidelines in support of your response to Item 17 of Section III. See OET Bulletin 65 for further details. If you continue to have trouble

evaluating your site after consulting the Bulletin, you may want to seek the assistance of a qualified consulting engineer in determining whether these facilities meet the FCC RF exposure guidelines.

* * *

NOTE: These worksheets represent "worst case" calculations, and, as such, should be used in your initial attempt to determine compliance. If use of the worksheet indicates that you would exceed the RF guidelines, levels may still be acceptable based on more detailed evaluation of variables such as antenna type and vertical radiation patterns. In this case you may submit a statement explaining why your facilities do not exceed the RF exposure guidelines at locations where humans are likely to be present, or describing those measures or circumstances which will prevent or discourage humans from entering those areas the RF levels exceeds the guidelines or otherwise control access in accordance with the time-averaging limits described in the guidelines (See OET Bulletin 65) . This statement may include:

- (i) antenna radiation patterns showing that the site complies with the guidelines described in OET Bulletin 65
- (ii) measurements that show the site to comply with the FCC-adopted guidelines
- (iii) a description of what warning signs, fences or other barriers preclude excessive RF exposure
- (iv) any other statement necessary to demonstrate compliance with the RF guidelines.

See OET Bulletin 65 and Supplement A for further details.

How to Use the RF Worksheets

Worksheet #2A - Multiple Tower AM array
AM Fence Distance Tables

Attached are:

Worksheet #1 - FM, FM translator & FM booster
Worksheet #1A-Multiple FM User Tower
Worksheet #2 - AM

FM:

a. Single Use FM or FM translator tower

- Use **Worksheet #1** to determine compliance with the FCC RF exposure limits.

- b. **Multiple-use FM (including translator & booster)** - Use **Worksheet #1A** for each FM facility on the tower to obtain an approximate power and antenna height and complete **Worksheet #1** as above.

distances for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.

If any single tower is not adequately distanced from the fence or restrictive barrier, you may not continue to use these worksheets. See NOTE above.

AM:

- a. **Single Tower Site** - Use **Worksheet #2** to determine if the distance to the fence or other restrictive barrier provides adequate protection to the general public pursuant to FCC guidelines.

- b. **Multiple Tower Site** - Use **Worksheet #2** for each tower in the array to determine if each tower is adequately distanced from the fence (or other restrictive barrier). This determination may be made by either of the following methods:

- i. a "worst case" prediction could be made by assuming that all transmitted power is radiated from each tower. Use **Worksheet #2A** to list the power and fence distance for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.
- ii. use the actual transmitted power of each tower. Use **Worksheet #2A** to list transmitted powers and restriction

CAUTION: Even if you conclude from the use of these worksheets that human exposure to RF electromagnetic fields is consistent with our guidelines, please be aware that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users.

See OET Bulletin 65 for further details.

RF WORKSHEET #1- FM (including translators & boosters)

PLEASE COPY BEFORE USING. THE DETERMINATION OF COMPLIANCE MAY INVOLVE REPEATED CALCULATIONS. IF LOCATED ON A MULTIPLE FM USER TOWER, PLEASE COMPLETE RF WORKSHEET 1A BEFORE PROCEEDING.

EFFECTIVE RADIATION CENTER HEIGHT

Enter proposed "Height of radiation center above ground"

OR as listed in line 1 of Worksheet 1A m (1)

Is antenna supporting structure located on the roof of a

building ? (check one) Yes ___ No ___ (2)

If line 2 is "yes," enter the building height measured at the base
of the antenna supporting structure in line 3

If line 2 is "no," enter "0" in line 3 m (3)

Subtract line (3) from line (1) m (4)

Subtract the value 2.0 from line (4) m (5)

TOTAL EFFECTIVE RADIATED POWER

(If "beam tilt" is utilized, list maximum values)

List Effective Radiated Power in the Horizontal Plane kW (6)

List Effective Radiated Power in the Vertical Plane kW (7)

Add Lines (6) and (7) OR list value from Line 2 in Worksheet 1A kW

(8)

PERCENTAGE OF FCC RF LIMIT(S) FOR MAXIMUM PERMISSIBLE**EXPOSURE**

Multiply Line (8) by 33.41 (9)

Multiply the value listed in line (5) by itself (10)

Divide Line (9) by Line (10) (11)

Multiply Line (11) by 100 % (12)

**DETERMINATION OF COMPLIANCE WITH
CONTROLLED/OCCUPATIONAL LIMIT**

Does Line (12) exceed 100% Yes ___ No ___ (13)

**IF YOU ANSWERED "YES" IN LINE (13), THE WORKSHEETS MAY NOT BE USED
IN THIS CASE. ***

**IF YOU ANSWERED "NO" IN LINE (13), THEN THE SITE SHOULD COMPLY WITH THE
FCC'S CONTROLLED/OCCUPATIONAL RF EXPOSURE LIMITS FOR GROUND LEVEL
EXPOSURE #**

CONTINUE

*** In this case, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled "Environmental Assessment."**

Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF fields caused by other facilities on the tower). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users. See OET Bulletin 65 for more details.

RF WORKSHEET #1- FM (continued)**DETERMINATION OF COMPLIANCE WITH THE UNCONTROLLED/GENERAL POPULATION LIMIT**

Does Line (12) exceed 20% Yes ___ No ___(14)

IF YOU ANSWERED "NO" IN LINE (14), THEN THE SITE SHOULD COMPLY WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED "YES" IN LINE (14), CONTINUE.

Rooftop with restricted access.

If you answered "yes" in Line (14) and "yes" in Line (2) (indicating that the tower is located on the roof of a building), and the general public is not allowed access to the rooftop level, repeat lines 5 through 12, entering the value in Line (1) directly in Line (4). (If Multiple FM Use Tower, recalculations should be in accordance with instructions on Worksheet #1A.) **Otherwise, go to the next section.**

Upon recalculation, does Line (12) exceed 20% Yes ___ No ___(15)

IF YOU ANSWERED "YES" IN LINE (15), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

IF YOU ANSWERED "NO" IN LINE (15), THEN THE AREA AT GROUND LEVEL SHOULD COMPLY WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

Access to base of tower restricted by fencing.

If the tower is not located on the roof of a building, is the base of the tower surrounded by fencing or other restrictive barrier and are appropriate warning signs posted on the fence that adequately detail the nature of the RF exposure environment contained therein? Yes ___ No ___(16)

IF YOU ANSWERED "NO" IN LINE (16), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

If you answered "yes" in line (16), what is the distance from the base of the tower to the fence or barrier at its nearest point _____ m (17)

Multiply Line (9) (as calculated previously) by 5 _____ (18)

Subtract Line (10) (as calculated previously) from Line (18) _____ (19)

Take the square root of Line (19) _____ m (20)

Is Line (20) less than or equal to Line (17) Yes ___ No ___(21)

IF YOU ANSWERED "YES" IN LINE (21), THEN THE RF FIELD OUTSIDE THE FENCE COMPLIES WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED "NO" IN LINE (21), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

*** In this case, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is still required, please see Section I of the instructions to this worksheet entitled "Environmental Assessment."**

RF WORKSHEET #1A- Multiple FM User Tower

The procedure below will allow for a "worst-case" determination to be made in situations where several FM stations share a common tower. This determination is based upon the "worst case" assumption that all RF energy is emanating from a single antenna located at the same height (i.e. antenna center of radiation above ground level) as the lowest user on the tower.

Complete this sheet for all call signs.

For each call sign, **the total** of the Horizontal and the Vertical ERP's must be used. If "beam tilt" is utilized, list maximum values.

COLUMN 1 CALL SIGN	COLUMN 2 HEIGHT OF ANTENNA RADIATION CENTER ABOVE GROUND LEVEL	COLUMN 3 TOTAL EFFECTIVE RADIATED POWER (HORIZONTAL AND VERTICAL)
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts

List the smallest value in Column 2 _____ m (1)

List the total of all values in Column 3 _____ kW (2)

The value listed in line (1) above must be used in line (1) on Worksheet 1.

The value listed in line (2) above must be used in line (8) on Worksheet 2.

Now complete worksheet 1 (except for lines 6 and 7).

RF WORKSHEET #2 : AM

PLEASE COPY THIS WORKSHEET PRIOR TO USING. IN THE CASE OF A MULTIPLE TOWER ARRAY, A COPY IS NECESSARY FOR EACH TOWER LISTED IN RF WORKSHEET #2A. See AM instruction b. to "How to Use RF Worksheets" on page 5 of Appendix A.

SINGLE TOWER

Enter the transmitted power kW (1)

Enter the distance from the tower to the nearest point of the fence or other restrictive barrier enclosing the tower m (2)

DETERMINATION OF WAVELENGTH**Method 1: Electrical Height**

The tower height in wavelength may be obtained from the electrical height in degrees of the radiator.

Electrical height of the radiator degrees (3a)

Divide Line (3a) by 360 degrees wavelength (3b)

Method 2: Physical Height

Alternatively, the wavelength may be obtained from the physical height of the radiator above the tower base and the frequency of the station.

Overall height of the radiator above the tower base meters (4a)

List the station's frequency kilohertz (4b)

Divide 300,000 by Line (4b) meters (4c)

Divide Line (4a) by Line (4c) wavelength (4d)

REQUIRED RESTRICTION DISTANCE

Use the appropriate AM fence distance table based on the wavelength determined in either Line (3b) or Line (4d) above. If the transmitted power is not listed in the table, use next highest value (e.g. if the transmitted power is 2.5 kW, use the fence value in the 5 kW column).

List the fence distance obtained from the appropriate table meters (5)

Is the value listed in Line (5) less than or equal to the value listed in line (2)?

Yes No (6)

If Line (6) is "Yes", are warning signs posted at appropriate intervals which describe the nature of the potential hazard?

Yes No (7)

IF EITHER LINE (6) OR LINE (7) WAS ANSWERED "NO", you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment

please see the **NOTE** on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see **Section I** of the instructions to this worksheet entitled "**Environmental Assessment.**"

IF BOTH LINE (6) AND LINE (7) WERE ANSWERED "YES", it appears that this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF fields caused by other facilities on the tower, or RF fields caused by facilities on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

RF WORKSHEET #2A Multiple Tower AM Array

Do not use this table if there are FM, TV, or any other non-excluded RF sources on any single tower of the array.

Tower Number	Transmitted Power (kW)	Distance to Fence (meters)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

If each tower listed above meets the distance requirements of worksheet #2, it appears this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site. These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

If the distance from the base of the tower to the fence is less than the value listed above, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an assessment please see the **NOTE** on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see **Section I** of the instructions to this worksheet entitled "**Environmental Assessment.**"

AM FENCE DISTANCE TABLES

TABLE 1. Predicted Distances for Compliance with FCC Limits: 0.1 - 0.2 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	13	7	6	3
750-940	12	7	5	3
950-1140	11	6	5	3
1150-1340	10	6	5	3
1350-1540	10	6	5	3
1550-1705	10	6	5	3

TABLE 2. Predicted Distances for Compliance with FCC Limits: 0.21 - 0.4 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	2	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1

1550-1705	5	2	2	1
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TABLE 3. Predicted Distances for Compliance with FCC Limits: 0.41 -0.55 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	2
750-940	4	2	2	2
950-1140	4	2	2	1
1150-1340	4	2	2	2
1350-1540	4	2	2	2
1550-1705	4	3	2	1

TABLE 4. Predicted Distances for Compliance with FCC Limits: 0.56-625 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	4	2	2	2

**Joint Statement
of
Commissioner Susan Ness and Commissioner Gloria Tristani**

Re: Regarding Streamlining of Mass Media Applications, Rules and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities.

We have decided that our Mass Media Bureau should no longer conduct time-consuming reviews of substantial exhibits, appendices and attachments for each application. Instead, we will rely on applicants to respond to a relatively brief series of core questions and certifications. We support the decision to make this fundamental change because we believe in the overall honesty and integrity of our licensees and applicants. We would prefer, however, that the worksheets used in completing these abbreviated forms be made publicly available.

We fear that we have made this enormous switch in regulatory regime without providing the public with the tools to augment our own limited enforcement resources. We have provided applicants with worksheets to assist them in responding to critically important questions and certifications. Among other things, these worksheets will help applicants determine whether ownership interests are attributable, whether a transaction is within the multiple ownership limits, and whether a transfer of control has occurred, as well as to evaluate certain aspects of sales contracts. Yet we do not require that these worksheets be made available for public inspection, either in the station's public files or at the Commission.

This is contrary to the informed judgment of the Federal Communications Bar Association which said it "emphatically believes that applicants and licensees should ... be required to retain such worksheets and place them in their public inspection files..." (FCBA comments at 11.) The Commission's review and approval of applications for new facilities, modifications, assignments and transfers are all premised on public participation, especially where the Commission is no longer providing close scrutiny. It is important that the public have access to the information used by applicants in support of their answers. Even the most carefully prepared application may contain errors, especially in the early stages of this new process. Those who would be interested in examining pending applications may have legitimate questions about how a particular "yes" or "no" answer may have been determined.

We fear that our decision to require that applicants only make available such supporting information if and when they become subject to an audit is insufficient to ensure the integrity of our process. Streamlining should not impair the rights of the public to know that our rules are being fairly and consistently applied. We hope that in our desire to reduce paperwork that we have not inadvertently thrown the baby out with the bathwater. We express our willingness to reconsider this issue if others share our concerns or as experience warrants.

Commissioner Harold W. Furchtgott-Roth, Dissenting In Part

In the Matter of 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities; MM Docket Nos. 98-43, 91-140, 94-149

I thank the Mass Media Bureau and my colleagues for their fine efforts on this good item. I am pleased that we are simplifying our rules regarding, among other things, the filing of mass media applications and reports and that we are moving to a certification system.

I respectfully dissent, however, from the decision to require broadcast station owners to identify their race, ethnicity and gender on Annual Ownership Report Form 323. *See supra* at paras. 96-105. I do so for several reasons, including: the impracticability of this kind of regulation, the lack of express statutory authority for it, and the general inconsistency of this reporting requirement with the position we recently took in *Suspension of Filing Requirement for Filing Broadcast Station Annual Employment Reports and Program Reports*.

I.

I believe the central premise of this reporting requirement is fundamentally flawed. There is an inherent futility in seeking to classify broadcast licensees, which are often corporations or partnerships, in terms of race and gender. For instance, what is the race of the ABC radio group? The ethnicity of CBS/Westinghouse? Or the gender of a family-held business, shared equally by husband and wife? Perhaps gender and race identification of companies such as sole proprietorships is feasible.¹ But in the case of most contemporary businesses, an attempt at such categorization is the equivalent of forcing square pegs into round holes. Race and gender are personal characteristics of individuals, not of corporate entities. Applying such labels to non-natural persons thus has little meaning.

If one attempts to bypass this problem by instead assessing the race or gender of the shareholders, one then runs into the fact that almost any corporation in America has significant institutional investors. Indeed, many of the largest shareholders in corporations are diversified stock, mutual, or retirement funds, which represent the interests of literally millions of people. These institutional funds cannot be categorized in terms of race or gender, as the sheer multiplicity of their constituent investors renders the task virtually impossible. Moreover, trying to characterize the racial or gender composition of stockholders is like trying to hit a moving target; even if the majority of shareholders at a certain point in time are of a particular race or gender, tomorrow they may not be. Of course, it is precisely the permanent nature of corporations -- as opposed to the ever-shifting identity of the shareholders -- that

¹Ironically, these entities, along with partnerships composed solely of natural persons, are exempt from the race and gender identification requirement. *See supra* at para. 103. Where the entities most susceptible to meaningful application of a rule are exempt, and the ones least susceptible are covered, the regulatory scheme seems a crazy-quilt.

fundamentally distinguishes those institutions from other business arrangements.

II.

Even if classifying corporate licensees in terms of race and gender by looking to the race and gender of its individual shareholders made sense, it strikes me as highly inappropriate for government to inquire into the racial and gender identities of those shareholders. As it should be, these factors have absolutely no bearing on a person's ability to buy, sell, or hold stock. Accordingly, we surely would find it chilling if the government wanted to know and record a person's race or gender *prior to* their purchase of stock interests. It is no less chilling, I submit, for the government to want to know such information *subsequent to* purchase. Whether done before or after the investment, documentation of the racial and gender identity of corporate shareholders is a highly invasive measure that I do not believe furthers any legitimate governmental interest, since, as discussed above, the race and gender of these people is wholly irrelevant to their ownership of the stock.

III.

We have no specific statutory authority to collect this information. Contrary to the assertion of this item, *see supra* at para. 102, collection of this information is in *no* way necessary to fulfill our obligations under section 257. That section speaks only of entrepreneurs and small businesses, not of minorities and women, *see* 47 USC section 257(a) (requiring report within 15 months of February 8, 1996, on market entry barriers "for entrepreneurs and other small businesses"), nor does the Commission purport to be collecting this information for use in any actual section 257 study. Finally, section 257 is about barriers to entry "in the provision and ownership of telecommunications services and information services," *id.*, not broadcasting.

Similarly inapposite is section 309(j), which by its terms does not require anything in the way of regulation but states that the Commission must "seek to promote" the dissemination of licenses among many applicants, "including" minority groups and women. *Id.* section 309(j)(3). Furthermore, as the item itself acknowledges, that aspirational language applies only "in implementing the competitive bidding requirement," *supra* at para. 101, of the 1997 Balanced Budget Act. Section 309(j) thus is not an untethered mandate to "further opportunities for minorities and women in broadcasting," *id.*, but rather a directive for purposes of rulemaking under section 309 -- a task that no one suggests is attempted here. And, if 309(j) did provide a basis for the collection of ownership information in non-auction contexts, we should not omit from consideration the other entities specifically mentioned in that provision, "small businesses" and "rural telephone companies."

As for the asserted goals of the information collection -- "to assess the need for, *and success of*, programs to foster opportunities minorities and females to own broadcast facilities" *supra* at para. 101 (emphasis added) -- the item does not identify any actual ownership programs that it intends to assess. In fact, many of the ownership programs discussed in the

original notice on this issue, such as the minority tax certificate, no longer exist. It is thus not at all clear what programs, if any, will actually be monitored for effectiveness. Assuming such programs exist, we nevertheless cannot, as some commenters suggest, use this information to make regulations based on "fair representation," *id.* at para. 97 -- *i.e.*, proportional representation for its own sake -- which is precisely what Equal Protection caselaw prohibits. As I have stated previously, we should not require licensees to provide us with information unless we have an identifiable, statutorily-authorized purpose for its use. Every time we add to filing burdens, we increase costs to regulated entities.

While the item concludes that this requirement imposes no undue burden on licensees because "they will not be required to obtain information from anyone whose interests are not already reportable," *id.* at para. 100, that is only part of the story. The entities with attributable interests themselves may be reportable, but the task of then identifying them, a group that could be very large, based on race, ethnicity, and gender within the meaning of our (less than precise) "Instructions for Completion of FCC Form 395-B Broadcast Station Employment Report" is a heavy administrative burden indeed. While a licensee may be able to look at employees and guess their race or gender or ask them how their community regards them, *see id.* at n. 180 ("The determination of race, ethnicity and gender . . . may be made visually, from post-employment records or in accordance with what the person is regarded as belonging [*sic*] in the community"), a licensee cannot always readily see or discuss such things, which are generally not otherwise documented, with its significant shareholders. Will broadcast corporations have to ask investors to identify their race and gender on stock purchase orders? Will this create other legal problems for these companies? How does the licensee keep track of this constantly changing information? The task of racially and sexually "categorizing" shareholders, *id.* at para. 104, which the Commission today requires broadcast licensees to do, is messy, potentially legally hazardous, and certainly indelicate.

IV.

This is a curious time for the Commission to be making this change in its ownership forms. Notably, the issue of whether to require race and gender identification on annual reports was *not* part of the Notice of Proposed Rulemaking on the streamlining of mass media applications. *See In the Matter of 1998 Biennial Regulatory Review, Streamlining of Mass Media Applications, Rules, and Processes*, 13 FCC Rcd 11349 (1998). That matter was raised in an entirely separate proceeding, one that has lain dormant for almost six years. *See In the Matter of Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, 10 FCC Rcd 2788 (1995). Why did the Commission choose now to resurrect this one aspect of that separate proceeding and wrap it into this one? Could it be that the D.C. Circuit's decision in *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344 (1998), *rehearing denied* (Sept. 15, 1998), has tied the Commission's hands in terms of information collection on race and gender under the now-invalidated Equal Employment Opportunity ("EEO") rules?

Unfortunately, the timing of the adoption of this amendment to the annual reports

raises the unseemly appearance that this action is a back-door attempt to do what *Lutheran Church* might seem to limit and what the Commission *itself* has declined to do in light of that decision. See *In the Matter of Suspension of Requirement for Filing of Broadcast Station Annual Employment Reports and Program Reports* (released September 30, 1998) (discontinuing regulation requiring broadcasters' to file annual employment and other reports listing race and gender data). If it is "advisable," *id.* at para. 2, to discontinue data collection procedures on the race and gender of licensees' employees, then it might seem imprudent to collect information on the race and gender of licensees' shareholders. Although the Commission does not claim to collect the instant information pursuant to authority under the defunct EEO rules, there is significant tension, on a broader level, between these two decisions.

Also, the Notice of Proposed Rulemaking on minority and female ownership *predated* the landmark judicial decision in *Adarand v. Peña*, 515 U.S. 200 (1995), and the application of that case in *Lutheran Church*. Much of the justification in that NPRM for the race- and gender-specific policies contemplated therein, as well as the theoretical link between ownership and programming that it relied upon, have been called into serious doubt by those cases. See, e.g., *In the Matter of Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, 10 FCC Rcd at para. 2 (citing as support *Metro Broadcasting Inc. v. FCC*, 497 U.S. 547 (1990), which was overruled in part in *Adarand*). Given the subsequent undermining of much of the original theory of the NPRM, I would not have gone to final order on this proposed rule without further notice and comment.

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For the foregoing reasons, I would not require broadcast licensees to attempt to define themselves, or to document their shareholders, in terms of race, ethnicity, or gender on Form 323.